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ABSTRACT

The discussions center on two bills before Congress which would: (1) provide a comprehensive coordinated approach to the problems of juvenile delinquency; (2) strengthen interstate reporting and interstate services for parents of runaway children; (3) conduct research on the size of the runaway youth population; and (4) establish, maintain, and operate temporary housing and counseling services for transient youth. The six days of hearings recorded in this report took place in Los Angeles, California and Washington, D.C. (Author/PC)

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EQUAL OPPORTUNITIES

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 6265 and H.R. 9298

BILLS TO PROVIDE A COMPREHENSIVE, COORDINATED APPROACH TO THE PROBLEMS OF JUVENILE DELINQUENCY AND TO STRENGTHEN INTERSTATE REPORTING AND INTERSTATE SERVICES FOR PARENTS OF RUNAWAY CHILDREN; TO CONDUCT RESEARCH ON THE SIZE OF THE RUNAWAY YOUTH POPULATION; FOR THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF TEMPORARY HOUSING AND COUNSELING SERVICES FOR TRANSIENT YOUTH, AND FOR OTHER PURPOSES

HEARINGS HELD IN
LOS ANGELES, CALIF., MARCH 29; WASHINGTON, D.C.,
APRIL 24; MAY 1, 2, 8, AND 21, 1974

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

FRIDAY, MARCH 29, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Los Angeles, Calif.

The subcommittee met at 9:20 a.m., in room 8120, Federal Office Building, 11000 Wilshire Boulevard, Los Angeles, Calif. Hon. Alphonzo Bell presiding.

Present: Representative Hawkins, Chairman of the subcommittee, Clay and Bell.

Also present Assemblyman Julian Dixon, State of California.

Staff members present: Mr. Lloyd Johnson, staff director; Carole Schanzer, clerk, and Dr. Martin LaVor, minority legislative associate.

[Texts of H.R. 6265 and H.R. 9298 follow:]

[H.R. 9298, 93d Cong., first sess.]

A BILL To strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Runaway Youth Act."

FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many of these young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

TITLE I

SEC. 101. (a) The Secretary of Health, Education and Welfare is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this title. Grants under this title should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways:

(b) The Secretary may promulgate and enforce any rules, regulations, standards, and procedures which he may deem necessary and appropriate to fulfill the purposes of this Act.

SEC. 102. (a) To be eligible for assistance under this title, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify, an applicant must submit a plan to the Secretary of Health, Education, and Welfore meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

(3) shall develop an adequate plan for contacting the child's parents or relatives in accordance with the law of the State in which the runaway house is established and insuring his safe return according to the best interests of the child;

(4) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway children and their parents within the State in which the runaway house is located and assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves: *Provided, however*, That records maintained on individual runaways shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway: *Provided further*, That reports or other documents based on such statistical records shall not disclose the identity of individual runaways;

(7) shall submit annual reports to the Secretary of Health, Education, and Welfare detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required in section 102(b)(6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary of Health, Education, and Welfare; and

(9) shall supply such other information as the Secretary of Health, Education, and Welfare reasonably deems necessary.

SEC. 103. An application by a State, locality, or nonprofit private agency for a grant under this title may be approved by the Secretary only if it is consistent with the applicable provisions of this title and meets the requirements set forth in section 102. Priority shall be given to grants smaller than $50,00[illegible]

SEC. 104. Nothing in this title shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this title and agree to be legally responsible for the operation of the runaway house. Nothing in this title shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this title.

SEC. 105. The Secretary of Health, Education, and Welfare shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services; and

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children.

SEC. 106. As used in this title, the term "State" shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 107. (a) The Federal share for the construction of new facilities under this title shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) For the purpose of carrying out this title there is authorized to be appropriated for each of the fiscal years 1974, 1975, and 1976 the sum of $10,000,000.

TITLE II

SEC. 201. The Secretary of Health, Education, and Welfare shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socioeconomic background of runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1974.

SEC. 202. Records containing the identity of individual runaways gathered for statistical purposes pursuant to section 201 may under no circumstances be disclosed or transferred to any individual or other agency, public or private.

SEC. 203. For the purpose of carrying out this title there is authorized to be appropriated the sum of $500,000.

[H.R. 6265, 93d Cong., first sess.]

A BILL To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. The Congress hereby finds—

(1) that juveniles account for almost half the arrests for serious crimes in the United States today;

(2) that understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) that State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(4) that the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

(5) that existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; and

(6) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

SEC. 102. It is the purpose of this Act—

(1) to provide the necessary resources, leadership, and coordination to develop and implement effective methods of preventing and treating juvenile delinquency;

(2) to increase the capacity of State and local governments and public and private agencies, institutions, and organizations to conduct innovative, effective delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alternatives to institutionalization; and

(4) to establish a new National Office of Juvenile Delinquency Prevention in the Executive Office of the President to provide direction, coordination, and review of all federally asisted juvenile delinquency programs.

DEFINITIONS

SEC. 103. For the purpose of this Act—

(1) the term "community-based" means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, and other rehabilitative services;

(2) the term "construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them;

(3) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted directly or indirectly, or is asisted by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development; Justice, and the Office of Economic Opportunity, and any program funded under this Act.

(4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, or to the development of neglected, abandoned, or dependent youth and other youth who are potential delinquents. The term includes any program or activity even when performed by a public or private agency whose primary mission is not related to juvenile delinquency;

(5) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, and an Indian tribe and any combination of two or more of such units acting jointly;

(6) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(8) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Part A—Formula Grants

AUTHORIZATION

Sec. 201. There are authorized to be appropriated $50,000,000 for the fiscal ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 30, 1975; and $200,000,000 for the fiscal year ending June 30, 1976; for grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency.

ALLOTMENTS

Sec. 202. (a) In accordance with regulations promulgated under this title, the Secretary shall allocate annually under section 201 among the States the sums appropriated on the basis of the relative population of people under age eighteen, per capita income, and rate of delinquency. No such allotment to any State shall be less than $200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $50,000.

(b) If any amount so allotted remains unobligated at the end of the fiscal year, the Secretary may reallocate such funds on such basis as he deems equitable and consistent with the purposes of this title. Any amount so reallocated shall be in addition to the amounts already allotted and available to the States, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations developed by the Secretary, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which the Secretary finds necessary for efficient administration. Not more than 10 per centum of the total annual allotment of such State shall be available for such purposes. The State must guarantee that funds for planning and administration are made available to local governments within the State.

STATE PLANS

Sec. 203. (a) Any State desiring to receive grants under this part shall submit a plan for carrying out its purposes. In accordance with regulations set forth by the Secretary, such plan must—

(1) designate a single State agency as the sole agency responsible for the preparation and administration of the plan, or designate an agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereinafter in this Article referred to as the "State agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for supervision of the programs funded under this Act by the State agency by a board which shall consist of persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency. A majority of the members, including the chairman, may not be full-time employees of the Federal, State, or local government, and at least one-third of the members of the board shall be under the age of twenty-six at the time of appointment. This board shall approve the State plan prior to its submission to the Federal Government.

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 50 per centum of the funds received by the State under section 201 shall be available to local governments for the

development and implementation of programs set forth in the plan, except that this provision may be waived at the discretion of the Secretary, for any State if the services for delinquents and potential delinquents are organized primarily on a statewide basis;

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the State plan, or for the supervision of the preparation and administration of the local government's part of the State plan to that agency within the local government's structure (hereinafter in his Act referred to as the "local agency") which can most effectively carry out the purposes of this Act;

(7) provide for an equitable distribution of the asistance received under section 201 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment. This plan shall include itemized estimated costs for the development and implementation of such programs;

(9) provide for coordination and maximum utilization of existing juvenile delinquency programs within the State, and require compliance with the plan and cooperation with other related programs, such as education, health, and welfare, as a condition for financial support under this title;

(10) provide that not less than 75 per centum of the funds available to such State under section 201, whether expended directly by the State or by the local government, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs as set forth in section 202(10)(G), and to provide community-based alternatives to juvenile detention and correctional facilities, including but not limited to—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

(C) community-based programs to support, counsel, provide work and recreational opportunities for potential delinquents and delinquents, which utilize youth, volunteers, and paraprofessionals;

(D) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted and drug dependent youth (as defined in section 2 of the Public Health Services Act);

(E) educational programs or supportive services designed to keep delinquent or potentially delinquent youth in elementary and secondary schools or in alternative learning situations;

(F) recruitment and training of probation officers and other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) probation subsidy programs providing—

(i) incentives for local governments to operate a subsidized probation program utilizing innovative supervision practices designed to reduce commitments of juveniles to correctional institutions, and

(ii) procedures for determining the yearly reductions of such commitments on an equitable basis considering the distribution of juvenile delinquents within the State and the success of each local government in making such yearly reductions.

Each State shall include in its plan a provision for the establishment and operation of such a probation subsidy program, unless this requirement is waived by the Secretary.

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12) provide that juveniles, who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall

not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities outside the juvenile justice system;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are incarcerated;

(14) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded or emotionally handicapped youth;

(15) provide for procedures which will be established for protecting under Federal, State, and local law the rights of recipients of services and shall assure privacy with regard to records relating to such services provided to any individual under the State plan;

(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this part;

(17) provide reasonable asurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds;

(18) provide that the State agency will from time to time, but not less often than annually, review its plan and submit to the Secretary an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(19) contain such other terms and conditions as the Secretary may reasonably prescribe to assure the effectiveness of the programs asisted under this title.

(b) The Secretary shall approve any State plan and any modification thereof that meets the requirements of subsection (a) of this section.

PART B—SPECIAL PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 204. The Secretary is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs (as defined in section 103(4));

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system; and

(4) improve the capability of public and private agencies and organizations to provide services for potential delinquents and delinquents at the State and local level.

CONSIDERATIONS FOR APPROVAL OF APPLICATION

SEC 205. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under this part, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Secretary may prescribe.

(b) In accordance with guidelines established by the Secretary, each such application shall—

(1) provide that the program for which asistance under this part is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 205;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State and local agency designated in section 202, when appropriate;

(6) indicate the response of such agency to the request for review and comment on the application;

(7) provide that regular reports on the program shall be sent to the Director and to the State and local agency, when appropriate; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this part.

(c) In determining whether or not to approve applications for grants under this part, the Secretary shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of the Act;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Secretary under section 203(b) and when the location and scope of the program make such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to the delinquent or potentially delinquent population; and,

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency.

AUTHORIZATION OF DELINQUENCY

SEC. 206. (a) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 30, 1975; and $200,000,000 for the fiscal year ending June 30, 1976, to carry out the purposes of this part.

(b) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Secretary may determine.

WITHHOLDING

SEC. 207. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied such noncompliance has been, or will promptly be, corrected.

USE OF FUNDS

SEC. 208. (a) Funds paid to any public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for—

(1) meeting the cost of securing, developing, or operating the program designed to carry out the purposes of this Act;

(2) meeting not to exceed 50 per centum of the cost of construction of innovative community-based facilities (as defined in section 103 (1) and (2)) which, in the judgment of the Secretary, are necesary for carrying out the purposes of this Act.

(b) In accordance with criteria set forth by the Secretary, grants or contracts may provide for long-term funding providing that such grants or contracts provide for yearly evaluation to ascertain if the goals of such grants or contracts are being achieved.

(c) At the discretion of the Secretary, when there is no other way to fund an essential juvenile delinquency program, the State may utilize 25 per centum of the funds available to it under this Act to meet the non-Federal matching share requirements for any other Federal grant relating to juvenile delinquency.

(d) The Secretary may require the recipient of any grant or contract, whether State or local government or any public and private agency, institution, or individual, to the extent he deems appropriate, to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

TITLE III—NATIONAL OFFICE OF JUVENILE DELINQUENCY PREVENTION

ESTABLISHMENT OF OFFICE

SEC. 301. (a) There is hereby established in the Executive Office of the President, an office to be known as the National Office of Juvenile Delinquency Prevention (referred to in this Act as the "Office").

(b) There shall be at the head of the Office a Director (referred to in this Act as the "Director") who shall be appointed by the President by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed three Assistant Directors who shall be appointed by the Director. Each Assistant Director shall perform such functions as the Director from time to time assigns or delegates.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 302. (a) The Director is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director is authorized to select, appoint, and employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Director to asist him in carrying out his functions under this Act.

(d) The Director may obtain services as authorized by section 3100 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

VOLUNTARY SERVICE

SEC. 303. The Director is authorized to accept and employ, in carrying out the provisions of this Act or any Federal juvenile delinquency program, voluntary uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

SEC. 304. (a) The Director shall established overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, and rehabilitation of juvenile delinquents. In carrying out his functions, the Director shall consult with the National Advisory Council for Juvenile Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Director is authorized and directed to—

(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards,

procedures, and budget requests in acordance with the policies, priorities, and objectives he establishes;

(3) to review and as he deems necessary, modify, insofar as they pertain to Federal juvenile delinquency programs,

(A) implementation plans for any Federal program, and

(B) the budget request of any Federal department or agency.

(4) recommend changes in organization, management, personnel, standards, and budget requests which he deems advisable to implement the policies, priorities, and objectives he establishes;

(5) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(6) coordinate Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(7) develop annually with the assistance of the Federal agencies operating juvenile delinquency programs and submit to the President and the Congress, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations, and coordination of such programs;

(8) develop annually, and submit to the President and the Congress, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

(9) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The Director may require departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

(d) The Director may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Office.

(e) The Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(f) The Director is authorized to transfer funds appropriated under this Act to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

JOINT FUNDING

SEC. 305. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Director to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

TRANSITIONAL PROVISIONS

SEC. 306. (a) The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director of the National Office of Juvenile Delinquency Prevention until the office of Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

(d) No Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency had on the date of enactment of this Act with respect to any federally assisted juvenile delinquency program.

AMENDMENT TO TITLE 5 UNITED STATES CODE

SEC. 307. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(21) Director National Office of Juvenile Delinquency Prevention.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Deputy Director, National Office of Juvenile Delinquency Prevention.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Assistant Directors, National Office of Juvenile Justice and Delinquency Prevention.".

APPROPRIATIONS AUTHORIZED

SEC. 308. There are hereby authorized to be appropriated to the President $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976, to carry out the purposes of this title.

TITLE IV—ADVISORY COUNCIL

MEMBERSHIP ESTABLISHED

SEC. 401. (a) There is established a National Advisory Council for Juvenile Delinquency Prevention (hereinafter referred to as the "Council") which shall consist of twenty-one members.

(b) The Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity or their respective designees, shall be ex officio members of the Council.

(c) The regular members of the Council shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The President shall designate the Chairman. A majority of the members of the Council, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment and shall have had actual experience within the juvenile justice system.

(d) Members appointed by the President to the Council shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Council, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.

DUTIES OF THE COUNCIL

SEC. 402. (a) The Council shall meet at the call of the Chairman, but not less than four times a year.

(b) The Council shall make recommendations to the Director at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman may designate a subcommittee of the members of the Advisory Council to advise the Director on particular functions or aspects of the work of the Office.

COMPENSATION AND EXPENSES

SEC. 403. (a) Members of the Council who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carying out the duties of the Council.

(b) Members of the Council not employed full time by the Federal Government shall receive compensation at a rate not to exceed $125 a day, including traveltime for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incured by them in carrying out the duties of the Council.

Mr. HAWKINS. The Subcommittee on Equal Opportunities of the House Education and Labor Committee is called to order.

Ladies and gentlemen, I regret that due to unforseen events we could not begin earlier. May I, at this time, introduce Mr. Alphonzo Bell, seated to my left. We also have the staff director of the subcommittee, Mr. Al Johnson, seated to my far left. Mr. Clay has been delayed, but will be joining the subcommittee very soon.

We also expect to have a member of the California Legislature, Assemblyman Julian Dixon, sitting in with the subcommittee today.

The purpose of the hearing, I think, is well known by those of you who have responded. But, may I say that this subcommittee is vitally concerned with providing alternatives to the institutionalization, and diverting juveniles from the traditional juvenile justice system.

The subject of youth programs lies within the jurisdiction of this subcommittee. As a part of that work, Congressman Bell has been, I think, the leading champion and certainly the most outstanding exponent and proponent of seeking new methods and providing specific solutions to some of the problems insofar as the Federal Government can bring its influence to bear.

It is basically his proposal that has been the subject matter of hearings before this subcommittee and we will continue to hold hearings on this important issue. There are several other bills pending, one which I introduced—H.R. 6265—that attempts to deal with the general problem of juvenile delinquency prevention. Future hearings will be held on that bill as well.

The committee is in Los Angeles for 2 days to begin our series of national hearings. Today, this hearing is held in the area represented by my distinguished colleague, Mr. Bell. Tomorrow we will conduct on-site visits throughout the County.

At this time I would like to turn the gavel over to my distinguished colleague, Mr. Bell, who will be presiding during the hearings in Los Angeles.

Mr. Bell.

Mr. BELL. Thank you, Chairman Hawkins.

I would like to thank all of your who have come before us this morning to testify. We have much to learn from all of you and we appreciate your cooperation in giving us your valuable time. I would also like to take this opportunity to commend my distinguished colleague and very good friend, Congressman "Gus" Hawkins, for his efforts to assure equal educational opportunity to all children in calling these hearings this morning.

I also commend Congressman Clay of Missouri for his participation in these hearings and welcome him to sunny California.

Mr. CLAY. Thank you, Mr. Bell.

Mr. BELL. The problem of violence in our public schools is not just a local problem. It is national and it is growing. Last year there were more than 8,000 incidents of criminal misbehavior on campus. Apprehensions increased by 43 percent. Our hearings today are part of an effort to better understand the causes of this mounting problem, to learn more about what we are doing right and what we are doing wrong in dealing with it, and to write legislation such as the bill which Congressman Hawkins and I are sponsoring, which will bring the Federal Government into this effort.

Two days ago the House of Representatives overwhelmingly passed H.R. 69, the Elementary and Secondary Education Act of 1974. The vote was an indisputable assertion of the will of the Congress to provide for the special needs of the Nation's economically and educationally disadvantaged children. The bill authorized over $6 billion to assist state and local agencies to meet these critical needs. One of the amendments which I offered to H.R. 69 was included in the bill that the House passed Wednesday. The subject of that amendment will be one of the primary subjects of discussion here today. That discussion is the problem of, and hopefully the solution to, crime and violence in the schools of our country.

My amendment, I hope, will be a first and critical step in making our schools safe for our children and their teachers. My amendment is entitled "The Safe School Study Act." Briefly what this amendment authorizes is the complete investigation of the incidence of crime and violence in every school district of the country. The study would be conducted by the Secretary of Health, Education, and Welfare and would document actual occurrences as well as describe general trends. We hope to learn from this study what programs have been developed across the country which effectively prevent or deal with crime and violence in the schools, in order that their example might be followed.

Now, we want to determine what part Congress might play in developing a program responsive to the problems faced by so many districts. We hope also not only to look to the cure, but also the cause of such tragic violence. We hope our witnesses here this morning will confirm our belief that such a study on a national scale is long overdue and that they will enlighten us both as to the cause and cure of the problem.

Our first witness today will be Deputy Mayor Manuel Aragon, deputy Los Angeles mayor. Manuel Aragon is well known to us as a former host and producer of TV's Impacto and as the executive director of Economic Youth Opportunities Agency. Since being appointed deputy mayor, Mr. Aragon has been actively dealing with gang problems and improving communication between the school board and the mayor's office.

Deputy Mayor Aragon, it is nice to see you again.

Mr. ARAGON. Welcome home.

Mayor Bradley asked me to welcome both you and Congressman Hawkins home again and to thank you two Congressmen, from our City, who have given so much leadership over the years to the work of the Education and Labor Committee. We thank you once again for this initiative that you have undertaken on a matter that has preoccupied the mayor's office since he came to take over the administration in July.

I have submitted a brief prepared statement on behalf of the Mayor and if I may amplify on those remarks.

Mr. BELL. That statement will be submitted to the record and will be part of the record.

Mr. ARAGON. Thank you.

[The statement referred to follows.]

STATEMENT OF HON. MANUEL ARAGON, DEPUTY MAYOR, CITY OF LOS ANGELES

I am pleased to be here this morning representing Mayor Tom Bradley on this most important matter treated by your bill, H.R. 6265. The matter that you are concerned with which relates to comprehensive juvenile delinquency prevention and treatment is one which has preoccupied us from the very beginning of Mayor Bradley's administration. We have found that the resources available for dealing with the problem of delinquency and other forms of anti-social behavior by young people are frustratingly insufficient. Within those limitations the mayor's office has made a sincere effort to address this problem by establishing new linkages between the Los Angeles City Board of Education and the mayor's office. In addition, the mayor has been able to secure funding for a model demonstration program titled S.C.A.N. (SCAN) which will permit the Los Angeles city schools to demonstrate feasibility of a quick response system where problems of potential delinquency arise within the school grounds. Finally, and most important, Mayor Bradley has accepted the leadership responsibility for sensitizing our community and hopefully the Congress that violence in the schools and other forms of anti-social behavior of youth are not isolated to the schools or youth, but result from long years of neglect of problems in the total community.

The delinquent and other forms of violent behavior by youth which we are currently experiencing were foreseeable several years ago whn we knew that th populations in the poorest areas of our city were extremely young, in some cases the median age was under 10 years of age. We could have known then that when these young people starting looking for work or started to seek their own identities that we would have serious problems if we did not provide them with skills, motivation, and hope. Those in positions of responsibility failed to do that. Although it is true that a meaningful start was made on programs such as the war on poverty and the model cities which could create the skills, motivation, and hope which were required, it is also true that we failed as a society to continue support for those programs at the point where they were starting to succeed and required more rather than less financial and political backing.

It is my hope that H.R. 6265 will be the first step in reasserting our commitment to the creation of a positive and healthy community where all of our citizens, young and old alike, may have an opportunity to contribute their creative promise.

I think you for having brought these most important hearings to the City of Los Angeles.

STATEMENT OF HON. MANUEL ARAGON, DEPUTY MAYOR OF THE CITY OF LOS ANGELES, CALIF.; ACCOMPANIED BY WILLIAM ELKINS, EXECUTIVE ASSISTANT TO THE MAYOR OF LOS ANGELES, CALIF.

Mr. ARAGON. Also with me this morning is Mr. William Elkins, who is an Executive Assistant to Mayor Bradley. Mr. Elkins has direct responsibility on a daily basis for formulating some programs to deal with the problems of youth violence and other forms of youth behavior.

We welcome your committee's interest in this matter because it is evident from what we have seen in the first months of our administration that the resources for dealing with this problem are simply not available to us at the moment. It is a problem, the immediate aspects of which requires law-enforcement application. I am pleased that you will be hearing from our Chief of Police, Ed Davis.

Mr. BELL. Mr. Aragon, could I interrupt you just a moment to say that Mr. Julian Dixon, a member of the Assembly, is here on the panel and we will be happy to invite you to participate in any way that you would like to.

Mr. DIXON. Thank you very much.

Mr. BELL. I am sorry to interrupt you.

Mr. ARAGON. That is all right.

I also welcome the participation by Assemblyman Dixon.

It is also a problem of the day-to-day administration of the schools and we are pleased also that you have invited the Superintendent of the Schools, Johnston, who I know has been trying to come to grips with this problem.

In the last couple of years it has gotten increasingly severe.

Mr. BELL. Excuse me.

Will you speak a little louder. I do not think the microphones are picking it up very well.

Mr. ARAGON. I am also very mindful of the fact that the violence of young people is not only expressed in the schools, but also on the buses of our southern California Rapid Transit District. Within the means available, the Mayor, and the Police Department and the Rapid Transit District have tried to take some measures to alleviate that situation as well.

For us I think it is important to bring to your attention something you are aware of, that the problem of violence in the schools and on the buses and in other areas is not strictly the product of the circumstances in the schools or on the buses. It is a general problem that results from long years of neglect. We have had serious problems in the community, from which much of this violence is coming, for many years. Several years ago we knew that we were dealing with an extremely young population. The median ages were sometimes 10 and 11 and we were not paying attention to the needs of those young people that were growing up, for motivation and skills and for some hope that would make for constructive, useful, citizens instead of creating the problems for us that we have today.

There was a failure to support the programs which Congressman Hawkins and Congressman Bell have long advocated: continuing efforts, for example, for the War on Poverty, the Office of Economic Opportunity, continuing support for the Model Cities program. Those kinds of operations bring hope and skills and motivation to young people.

If we had had those on a sufficient scale years ago, we would not be having the problems we are experiencing today. So, while we concentrate on the immediate problems that require law enforcement and other forms of disciplinary behavior, we must not forget that if we do not attack fundamental problems today, of those conditions that the young people have to live in, we will be facing exactly the same problem 5, 6, 10 years from now.

So, we welcome your interest and your initiative in this area. It is long overdue and we hope it is only the first of many steps to get the Congress recommitted to equal opportunities and fair breaks for everyone, which gives all of our young people, young and old, a chance to contribute their positive, creative forces instead of being forces that are hostile and antisocial. And, creating conditions that we have to deal with in a law-enforcement manner.

I have submitted the comments to you for the record. The Mayor is extremely concerned about this personally. I think that those of you who have talked to him—Congressman Hawkins has and Congressman Bell has—know of his deep concern on this issue.

I wish to thank you again for initiating this round of hearings.

Mr. BELL. Thank you, Mr. Aragon. We shall try to have everyone just ask one quick question.

Mr. ARAGON. Thank you.

Mr. BELL. Mr. Hawkins, do you have a question?

Mr. HAWKINS. Just one question, Mr. Aragon. I think you certainly touch on the crux of the matter in terms of seeking out the fundamental causes. However, most of us say that we have denied employment opportunities and equal educational opportunities, to citizens and their behavior is a result thereof which has led to the violence in our schools.

Are you of the belief that we are correcting this situation at the present time, proceeding to do something about those problems that you say had we done something about 10 years ago, we would not have the present situation? Also, are you in a position, on behalf of the city, to indicate at this time whether or not you think you are receiving sufficient Federal assistance and so forth, to do anything about the problem with respect to the next few years. In other words, are we experiencing cutbacks in a situation where the city can pick up financial support for the programs that are now being cutback, i.e., the War on Poverty, Manpower programs, Model City programs and so forth. Do you believe the cities are in a financial position to do any better in the next few years than what they have done in the last several years?

Mr. ARAGON. We are deeply concerned, Mr. Congressman, that if the current shape and level of funding from the national level, which the President has told us will be available, if it is a fact that we have to work with it, we will be dealing with exactly the same kind of problem in five or ten years that we are dealing with today. We simply do not have the resources to attack the fundamental problems that create the conditions of violence in schools, buses, and streets today. It is simply not realistic to expect that the local tax sources available to the city of Los Angeles will be in any way sufficient to fund the level of programs which are required in order to attack fundamental social ills. We need, we must have support from the Federal Government to get to these problems. We are very concerned that we do not see at this point, except for some initiatives in the Congress, we do not see the commitment to those programs which we feel is essential to avoid the problems in the future that we are facing today, and anyone who is acquainted with even the fundamentals of taxing and governmental finance realizes that while the Federal revenues, the Federal budget, does have tremendous flexibility because it is tied to the gross national product and is tied to other growth factors in the economy, that for the most part the local tax base is tied to very fixed kinds of sources of income, very fixed sources of revenue.

While the Federal Government may be able to do deficit financing to provide for needed services and programs, it is simply not possible, legally or politically, for a local municipality like the city of Los Angeles to do likewise. We cannot do deficit financing the way the Federal Government can. So, that based on one hand, with a very inflexible source of revenue that does not expand at the same rate the economy does, and on the other hand faced with any restriction against deficit financing, we do not have the revenue at the city level to provide for fundamental needed services and also attack social problems which are creating the conditions that you are dealing with in your bill. We must have a greater level of commitment, money, from the Congress and from the Senate and the President if we are going to avoid, in the future, the problems that we are experiencing today.

Mr. HAWKINS. Thank you, Mr. Aragon.

Thank you, Mr. Chairman.

Mr. BELL. Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman.

Knowing that this administration and I imagine the State administration are both very much concerned about this problem that confronts the schools of the State, how much money has the local community spent trying to correct the situation, how much money has the State spent?

Mr. ARAGON. I do not know how you get down—how far down to zero you can get, but it is close to zero——

Mr. CLAY. To zero?

Mr. ARAGON. There has been some level of effort locally. For example, I know the school—the Board of Education has tried within its limited resources to do something about the problem, but the local School Board, has, itself, experienced a reduction in revenue from the State, for example, over the last several of years where the level of support from the State government has declined instead of being maintained at the same level, or increasing.

I know Superintendent Johnston has a yearly, a monthly, and probably a daily battle with his budget to try and figure out how to even meet his operating expenses without going to special programs.

On the law enforcement side I am sure Chief Davis will address himself to this. But, we have made a substantial effort to provide, where possible, the police protection on the buses, for example, to try and reduce the violence on the RTD. There is a dollar value attached to that. I don't know what the dollar value would be, but I am sure the Chief could tell you that.

But, you know these are extremely limited sources. We do not have a lot to work with. We have not really received very much help from anybody else. In a followup report we could submit to your committee what our level of effort has been. I do not have that information at hand right now.

Mr. CLAY. You say you do not have very much to work with. How much LEAA money has come into the city and how much General Revenue Sharing money has come in in the last 2 years or so?

Mr. ARAGON. Mr. Elkins has been following the LEAA money for us.

Mr. ELKINS. Mr. Chairman and members of the subcommittee, again I am not prepared to quote off the top of my head specific figures for Congressman Clay. We can give that in a followup report. May I attempt to answer your questions very briefly from another point of view.

I think that we honestly have to recognize that we are dealing with something approaching a crisis when we talk about violence among gangs and in the schools and as Deputy Mayor Manuel Aragon has indicated. I am sure that Superintendent Johnston will confirm that the priorities of the school budget has not provided any funds to deal with this problem. I am sure that our Chief of Police will indicate that while they have come up with some creative, innovative approaches trying to deal with it, they do not have the money to deal with the crisis. But, we have been able to get some funds from LEAA that Deputy Mayor Aragon alluded to, $600,000 to install electronic devices on buses, a little more than $400,000 for devices in schools.

But, we are not dealing with the substance of the problem. We are reacting to the problem and I think——

Mr. CLAY. Do you——

Go ahead, I am sorry.

Mr. ELKINS. I think what we would like to have the subcommittee understand is that it is going to have to be treated as a crisis and we are going to have to have the funds to do, Mr. Clay, what we could not do 2 years ago. That is, merge the resources by having the schools, the Mayor's Office, the Chief of Police, the community, come together and deal with this problem by setting up consortions, hiring staff from the community, identifying the gangs, moving aggressively to those that are ready for jobs; to some kind of apprenticeship training programs to get them off into these kinds of things. We have got to give them a substitute for what they are doing.

You know, you cannot talk about counseling youngsters who have been sucked off into violence because they find that a socially acceptable role. We are saying that we are now prepared in terms of commitment and in terms of recognition that the police cannot do it alone, the schools cannot do it alone, the Mayor's Office cannot do it alone, the community cannot do it alone. But, if this city is provided with the resources that we hope will be forthcoming, we are ready to come together and we have not been able to do that up until this point.

Mr. **Clay**. If the problem is, as you say, reached a crisis proportion and it is a priority in this city, why is it that you have not taken some of the money that is available and devoted it to the problem; what have you done with your LEAA money, how have you spent your LEAA money, and your General Revenue Sharing money, have you devoted any of that to this problem?

Mr. **Aragon**. I think that you will find that where money has been available to work on these problems——

Mr. **Clay**. How much money has been available from LEAA and general revenue sharing?

Mr. **Aragon**. We have had, for example, additional money made available to us by the Model Cities program.

Mr. **Clay**. No. Wait. I do not think that you understand my question.

I want to know how you spent your LEAA money. Did you spend it for hardware, or did you spend it for prevention of these kinds of crime, what happened to the LEAA money—the LEAA money first.

Mr. **Elkins**. Mr. Chairman and members of the committee, I think we are going to have to state for the record quite clearly that the guidelines of LEAA funds have almost restricted the expenditure of those moneys totally to hardware and what many of us are saying, and I think what all of us are saying now is that there has to be a change in those kinds of spending priorities.

Mr. **Clay**. Are you telling us that the guidelines prevent you from spending money to prevent crime?

Mr. **Elkins**. I am saying, Mr. Congressman, that the guidelines, the LEAA guidelines, the thrust of your question——

Mr. **Clay**. Yes, and revenue sharing.

Mr. **Elkins** [continuing]. That somewhere close to 99.9 percent of those funds have not gone into the development of the kinds of programs and problematic approaches to deal with these problems because the guidelines have not permitted the expenditure of funds for those purposes and that is something I think all of us would like to see changed.

Mr. CLAY. I do not read those guidelines in that same aspect. I think the money can be spent for the prevention of crime.

I would just like to know how much the city of Los Angeles is spending to deal with a problem that you say has reached a crisis proportion.

Mr. ARAGON. We have received, fortunately, in the last several weeks a grant from the LEAA for the Mayor's Office to do some planning for the application of those funds, which up to now has not been a resource that is available to the Mayor's Office. So, it may be possible to change the orientation of the priorities. Up until now the Mayor's Office lacked the capability to do that type of planning and we expect now with the bringing on of a small planning staff that we will be orienting some of the direction of those funds.

Now, in the previous budget year, the budget that was approved in June of 1973, the revenue sharing moneys that were available to the cities were applied to a very critical area of supporting the budget, the on-going budget of the city. Subsequently a very small portion of funds was made available from the city council to support programs in the social action areas primarily of the Model Cities.

We are currently formulating our budget for the year 1974–75 and that will be made public on Tuesday when the Mayor takes the budget to the press. I am not at liberty to discuss what those priorities are going to be.

Mr. CLAY. Mr. Chairman, I do not want to belabor the point. But, how much revenue sharing moneys did you get in your budget for 1973?

Mr. ARAGON. The cumulative amount of money that was available to us over 2 years was in the vicinity of $54 million.

Mr. CLAY. And out of the $54 million, did $59 million go for police and public safety?

Mr. ARAGON. I do not have that statement in front of me, but most of that money did go for support of on-going activities of the city of Los Angeles.

Mr. CLAY. Related to the police and safety area?

Mr. ARAGON. As I say, I do not want to get pinned down to that figure because I don't know.

Mr. CLAY. That is the figure that your Mayor gave us about a month ago.

Mr. ARAGON. If you are saying that that is in his statement, which I do not have before me, then, of course——

Mr. BELL. I do not want to cut you off, Mr. Clay, but we do have a limited amount of time. We will have other witnesses that can answer the question for you.

Mr. CLAY. Questions about the budget?

Mr. BELL. Yes, matters pertaining to the revenue sharing and LEAA.

Mr. CLAY. Relating to the budget?

Mr. ARAGON. If you have the Mayor's statement before you, Mr. Congressman, I do not think there would be any purpose for me to reiterate what he said.

Mr. Clay. No, this was in regard to another subject, OEO. When he testified in Washington last month he made that statement about $49 million of the money went for police and public safety.

Now, what I want to know, Mr. Chairman, is how much of that money went to deal with the problem that they say has reached crisis proportion. As I say, I do not want to belabor this point.

Mr. Bell. Do you care to respond to this again, Mr. Aragon?

Mr. Aragon. No, I think that if that amount of money was made available to the Police Department, when Police Chief Davis testifies, perhaps he might be able to indicate what proportion of that went to those activities.

Mr. Bell. Thank you, Mr. Aragon and Mr. Elkins.

Our next witness will be Chief Ed Davis. Chief Ed Davis has served in the Los Angeles Police Department for 33 years, and as chief for the last 5 years. Last year in response to the growing problem of violence in Los Angeles schools he brought together the heads of all of the criminal justice divisions of the police, the parks, the school system, the sheriff's department, the city attorney, and the district attorney to form the ad hoc juvenile justice committee.

Chief Davis, it is a pleasure to have you before our committee.

Mr. Davis. Thank you, distinguished Congressmen and Assemblyman Davis.

STATEMENT OF ED DAVIS, CHIEF, LOS ANGELES POLICE DEPARTMENT, LOS ANGELES, CALIF.

Mr. Davis. Last year in this city we had a decrease in crime of 6.6 percent as contrasted to a national rise. This year, to date, last week, we have a 1.2 percent increase. So, putting the juvenile problem in perspective, we have a much safer city and we are making general progress.

Now, at that same time, juvenile crime, particularly crime on school grounds and in areas surrounding schools is precipitously. Now, all school premises crimes last year were up 23 percent. Robberies were up 37 percent on school grounds; assaults on faculty members, 40 percent; assaults on policemen on school grounds, 61 percent; all assaults, including students, all rolled together, up 39 percent. Seventy-nine crimes committed with firearms on school grounds. Now, this looks like a big school problem. This is not a school problem because what this amounts to is a slopover of the juvenile problems from the streets of the city. In the surrounding areas every night there are shootings, one youth-gang member against another. There are many, many successful shootings that result in murders.

In 1972 we reached somewhat of a peak in the crisis on the school grounds. Superintendent Johnson and I got together and brought in all of the criminal justice principals in the juvenile justice system and have been working on this problem since that time. We had preceded this in our criminal justice group by working together for about the last 2½ years.

In our city in 1973 we had 11,900 juveniles arrested for major crimes and this is about 35 percent of the total arrests for major crimes in the city. Juvenile arrests for murder in 1972, for example, went up 42 percent. There is a great use of guns. Now, what this crisis came from, in my professional opinion, is a breakdown in the juvenile justice system. In 1901 the State put through a law and this county had one juvenile court judge. In 1932 we increased that to two. In 1972, because of the pressure brought about by our criminal justice group, that was increased to three.

Now, these three full-time juvenile court justices have about 20 referees and commissioners, paraprofessionals, not full judges, that handle about as many adjudicated cases in their courtrooms as do 150 other superior and municipal court judges devoting themselves to adult crimes, both felonies and misdemeanors. Each of them have about 25,000 cases to work with. We have been able in this community to build huge marble palaces for adult courts with beautiful chambers for judges and if you are an adult you will be arrested and handled properly into a beautiful jail, you will be tried in a beautiful courtroom in a marble palace.

If you are a juvenile you will go to an inadequate hubble. When we started raising cain about this a couple of years ago we had over 400 kids sleeping on the floor in juvenile hall. The county has now contracted out with the State and some other agencies for some additional facilities.

As of last year we still had 200 kids sleeping on the floor. Now, I think it is a travesty on justice and I do not use that word lightly, that we provide better facilities for adult criminals than we do for young delinquents who perhaps could be straightened out. In juvenile court you are not going to have a juvenile court judge before you. I wish you had. But, when there are only three full-time juvenile court judges, after they have adjudicated the findings of guilt, let's say, or that the evidence shows that the child did commit a murder, a robbery, a burglary, that judge has no time to sit there and devote his time to a rehabilitative program and so we have a priorities all mixed up.

We are doing something about these things. We have the juvenile justice group. We have come up with a proposed juvenile justice center, which our board of supervisors agrees with, which should go into operation—it is going to be in the Watts area and will go into operation shortly after July 1, where the police, and the probation, and the courts, and the public defenders, and the prosecutors in that area will work together to try to ameliorate the problems that exist there and they really exist all over the county. Instead of having marble palaces in our metropolitan areas, what we need in essence is to bring all of the justice system out to the neighborhood. We need a decentralization to where each community has its judge and has its prosecutor and has its public defenders where all of those people are making judgements on whether someone is going back to the community, or the community should be protected from that individual. Make that judgment with some feeling of the sense of urgency of that community about that type of crime.

So, you ask about money. This city, in its LEAA money, has not gotten what we consider a fair share for a major city. This last year we got in the neighborhood of $6 million. My total budget including all of its overhead was about $200 million. So, you can see that is a very small fraction of the budget. In addition, the city gets general revenue sharing funds. To answer your question, Mayor Yorty's budget last year provided for an increase in the police budget of a rather modest $6 million, as I recall.

Because we are not incompetent, because we are not corrupt, because we are fairly efficient, we have not gotten the vast sums of money that have been dumped into some of the other failure areas of America. I do not think that that is fair to Los Angeles. We contributed our fair share of the Federal tax dollars and I think it should come back here regardless of the lever of terror on the streets.

So, in one fell swoop, New York, for example, got $10 million for a narcotics program and other cities, the high impact cities, crime programs, and all.

Our $6 million is a representative of what we have been getting and we have been getting $2 and $3 and $4 million prior to that in the short life of the LEAA system. I have brought this to Attorney General Saxbe's attention. The general revenue sharing moneys have not gone predominantly into the justice system.

Let me say also when you talk about cities, the criminal justice system cannot be handled out of a city, cannot be handled out of a county because you are dealing with State level judges and State level prosecutors and probation officers and public defenders and city level police and county level police.

So, what has to happen—rather than money we need more wisdom in getting the criminal justice system to sit down and work together and try to see if we are using the resources that we now have, properly. For instance, the distribution of judges, we probably need some additional judges. But, we have not really—we need more from Washington than money if it can come from there, and I have some doubts about that, we need wisdom. But, mainly, if we can be forced to sit down and work together as we have in this community so that the witnesses whom you will hear, Superintendent Johnston, District Attorney Busch, and other people who will testify here today, I think that will bring to you some sense of the importance of cooperative working together.

One more thing I would like to say before I submit to questions, in Senate bill 821 there is an attempt to put the whole justice thing under a GW rather than LEAA, and in H.R. 69, which I commend as an excellent idea. I would suggest joint participation with LEAA because you cannot separate the crime on the school premises from the crime in the surrounding community, and my theory is teachers should not be policemen, shouldn't be cops, should not have to be much of a disciplinarian, really. They should be pedagogs. They should teach.

My daughter, who is a teacher, should be able to teach. I should make the surrounding streets safe so that she can teach in her classroom. I do not think the HEW concept is going to bring you the breadth and dimensions of the problem you want. I would suggest that you crank in the LEAA participation in the surrounding areas.

I appreciate the attention that this committee is bringing to this very important problem and I think that we are on our way to solving our problem here. There have been dramatic changes in the last year. Our board of supervisors has provided 20 prosecutors from the juvenile court that we did not have before so that the people can be represented and the board of supervisors have given us 70 additional probation officers for the probation department. Our board of supervisors has funded a decentralized juvenile court in the San Fernando Valley and is in the process of doing that in south Los Angeles and in Compton. I am not asking for much from the police. I think what we really need is not wall-to-wall cops, which other cities have gone to. We have about half of the rate of police in New York, and a third of what you provide in Washington, D.C. I do not think we should have guns or butter at the city level. What we need is the wisdom through the rest of the system and what we need is the separation of some of the very dangerous people off of the streets.

When Mr. Johnston and the other criminal—the criminal justice system members that I met with in December of 1972, we had a list at that time of 800 dangerous hard-core murderous type juveniles on the streets of this city and I can report to you that group today is only 650. So, we have made some progress. We are getting some additional juvenile facilities and so we are moving in the right direction, but that kind of crisis cannot be solved overnight. I would say if you came back here in 2 or 3 years, the situation will be better in in the city of Los Angeles, not just because of money, but because of people working properly together.

Thank you.

Mr. BELL. Thank you, Mr. Davis.

Chief Davis, would you say that most of our young criminal offenders have a history of disruptive behavior in school, and, if so, is the police department, as a protective measure, attempting to coordinate its efforts with the Los Angeles city schools to attempt to solve the problem of crime and violence in the schools?

Mr. DAVIS. We certainly are. We work very closely with Superintendent Johnston and the board of education right down at the precinct level. So, fellows from west of the Mississippi—there is no one here from east of the Mississippi, I understand—but the precinct level, those people work with the school authorities.

Mr. Johnston, I am sure, will describe to you a joint program on bringing truants back into the school, and, he will also describe their expulsion policies. So, we work very closely together. I do not believe in uniformed policemen on school grounds. You cannot have education in that kind of culture. We do have in 30 of our schools, junior and senior high schools, policemen teaching courses in "The Citizen and the Law," but he is not there as a policeman, he is there as a teacher.

But, we try to take these hard-core people, for crimes committed on the school, and process them through the juvenile justice system and the gang member who had shot and killed a man he had never seen before because he would not give him 25 cents, a couple of days ago, has a long record of robbery and burglary and auto theft, a strong felony record. That is why I say we have a lot of processing for those three judges to do through those inadequate facilities, with an understaffed prosecutorial setup and an understaffed public defender setup. But, all of those things are gradually improving.

Mr. Bell. Chief Davis, you expressed some dissatisfaction with what Washington is doing. I am wondering what Washington can do. We are trying to give you innovative ideas, thoughts, electronic information and so forth. And, also some money.

Mr. Davis. Right.

The only reason we have gotten as much as we have gotten, Congressman Bell, is because you personally walked the Halls of Congress with me and personally went with me on occasions to the White House to try and help your city get its fair share, and you have got $2 million for us last year we would not have gotten otherwise.

So, when we went from four to six, this is the man that is responsible for that. But, that little bit of money—little bit compared to the size of my budget—has been extremely helpful because there are things that we could not have done, the electronic command control system that we are getting in—you have talked about hardware, but hardware is essential. Unless a policeman can—unless a citizen can get a policeman as fast as he needs him—if he has to go through all kinds of mechanical delays and if new electronics will get that policeman to that person, who has a burglar breaking down the door, faster, then that electronic system is a great aid and all of our projects are of that nature.

Mr. Bell. Is that project progessing fairly well?

Mr. Davis. Yes. It is coming along fairly well, and it is hopeful that there will be some followup funding so that it can continue. Now, we were also informed the other day that we were going to be the recipient—the rapid transit district, of a DOT grant to put in a car location system so that we can locate our busses and our cars instantaneously so that when there is a robbery on a bus, or when we have to find out where the closest police car is—this can eventually apply to any citizen that needs help—we will have this kind of capability so that Los Angeles has been singled out by the Department of Transportation as the recipient of this grant.

Mr. Bell. Mr. Hawkins.

Mr. Hawkins. Chief Davis, may I join in welcoming you before this subcommittee. I recall an association in a little different capacity many years ago when I was a member of the State assembly.

Mr. Davis. Right.

Mr. Hawkins. It is a pleasure to have you before us here today.

Would you say that the problem is citywide, or is it concentrated in certain specified areas?

Mr. Davis. Well, if you are talking about the current, new phenomenon of killing someone you have never seen before on the street, by a juvenile, that is a new phenomenon in the black community. In the old Mexican American communities of Los Angeles, historically you have had gangs which have been based on turf, and you don't agree with them, but you understand why they shot someone. They knew him and they shot him for a specific reason.

This phenomenon of walking up and shooting someone for the thrill of it is new because we never had any black gangs to any extent in this city. I am a native here, born and raised here. I have been a policeman 33 years. But the juvenile delinquency problem is citywide and areawide and a national problem and it is just as great in the San Fernando Valley in terms of the preponderance of burglars being juveniles with a very silly thing. I live in Chattsworth and I am in my fifth term as honorary mayor of that great city of Chattsworth, and when you arrest a juvenile and you have a victim, and a suspect, and a witness, and you go to court, they have to go to Pasadena, Calif.—if you can believe it—and that is an 80-mile round trip. So, the crime problem by juveniles is a citywide crime problem.

Mr. Bell. I think you said that you had identified some 800 juvenile offenders who were on the streets. Were they scattered throughout the city, or were they identified as being in a particular area?

Mr. Davis. They were scattered throughout the city. There are less gang members in the predominantly Anglo areas. There are more in the so-called barrios and ghettos, gang-type activities. When you get to other types of crime, the mix changes. But, the predominantly sage country, suburban America, Gentiles of European stock, they are being ripped-off by juvenile burglars. So they—their problem—they are being ripped-off because of the failure of the juvenile justice system to handle the people, the young white, who is victimizing them.

So, this is a pervasive problem throughout the community.

Mr. Hawkins. All right.

May I ask this: To what extent are narcotics involved in this problem?

Mr. Davis. The juvenile, the school age problem, narcotics is not as a great a percentage of the problem as it is with the older adult criminal. Because, they really don't get on the needle and become a victim of heroin, generally, until after they are beyond high school age.

We have just jointly conducted with the board of education our first, I hope, annual survey on narcotics use among high school students and that should be ready for distribution very soon. But, that will not give us a measurement against the prior year.

On narcotics here there is soft narcotics and there is a little hard narcotics used, but most of this gang problem is not dope related.

That open Mexican border with the closed eastern seawall, and what this country has done, the Federal Government has done in cutting off the supply of dope from the Mideast and France has made this city a major transshipment city for narcotics for the rest of the United States.

We had a Motown gangster here the other night who shot it out with our men and thank God they are alive and he happens to be dead, he was $1 million trafficker in heroin. They are coming in here every day to pick up their dope because of our propinquity to the Mexican border and the fact that we are an international airport.

So, dope is a big problem contributing mainly to the adult criminal movement and not as greatly to the juvenile problem and not too specifically to the bang problem. I wish I could blame it on that, but I cannot.

Mr. **Hawkins.** You did refer to a type of offense in which you said killings that are merciless, where the victim is killed, presumably, not for economic gain, but for some other reason. Is there any explanation for that type of offense?

Mr. **Davis.** Well, let me again recite just a little colloquy that took place in the 77 station where one 15-year-old youth had shot and killed another 15-year-old on the street, and he was arrested with his partner in this and he said,

> Man, why did we kill that dude? We killed him just to make an example of him. What is going to happen to us now? Oh, not much, you may go to camp for a little while, but you will probably be put on probation back out on the streets. When you get out on the streets you are going to be a bigger man. Hey, wasn't it neat when that guy croaked, he gargled on his blood. Yeah, that was really neat.

This phenomenon, this coldblooded killing and enjoying it comes about from the guy who was able to get away from being the stickup man on the street, or a burglar, or a murderer, being able to strut out and not being handled properly by the system. He becomes the hero figure and he is the one to emulate all of these kinds emulated other people. So, the failure of the juvenile justice system to take the repeated hardcore offender and isolate him for a time from society and attempt to rehabilitate him in that kind of setting has developed this phenomenon of a coldblooded killer. That is the thing to do, these are the heroes on the street. Until those heroes on the street are taken off the street with due process of law for their crimes and we make an attempt to rehabilitate them, those are the kinds of heroes that the younger people are going to follow.

Mr. **Hawkins.** You have described very well the heroes on the streets, as you refer to them from the point of view when they have committed the offense.

Let us go back prior to that time. In your opinion, what has made this hero on the street? Why is it that this individual feels that he must have this image, is it something innate, is it something in his background, or it is socioeconomic? What the committee is primarily concerned with is not only what happens from the time he is committed, but what we can do in terms of prevention and provide something at the Federal level that would discourage that person from seeking that type of image.

Now, have you anything——

Mr. **Davis.** These two kids that I referred to were from the Watts area. It has been nine years since the riots and there are still no theatres in that district. My men bring in moving pictures, in the summertime particularly, and we chisel projectors and we bring the only motion pictures into that area.

So, the options a kid has there to work, for other kinds of recreation, his ability to get an education because of the terror that exists in the schools, his options are greatly diminished and so when he gets out there at age 16 he is a functional illiterate. His horizons are very narrow and his sports become one such as I described.

Now, not all kids react in that same fashion. I have a thing called Team 29 in the middle of Watts, which is a team policing effort. It is not funded federally, or State funded. We took our own resources and put them together that way. We have crime down 27 percent since last July in that one part of Watts and the Juvenile Justice Center is going to serve that and other parts of Watts. I have asked people to help me get some jobs for kids in that area, and so far I have not had one person come forth with one job, and I put my arm on the community to do that. We have asked the Junior Chamber to come in and try to give us a minipark in that area. Sammy Davis Jr. has offered to do a benefit. We will fill the Century Plaza when we get it together and we will buy six old houses and lots and put in a minipark.

So, we are trying to do some things in that area. But, when I fought those vandals on the streets as an Inspector, a Deputy Field Commander, on the night of August 13, 1965 and I knew that area before and I see it now and nothing has changed.

That is where that kid come from who has chosen that sort of sport. It is a sport that we cannot live very long with. So, we need all kinds of things in terms of education.

I told my partner, Superintendent Bill Johnson, I think there should be a lower caseload of teachers in that kind of an area and a higher one out in the silk stocking district. That is the way I deploy my policemen. There are programs where Superintendent Johnson does go in that direction, he is helping there, but there is tremendous educational needs. His big problem is how can his teachers teach if the kids are in fear of being ripped-off right in the schoolroom, or if the teacher will not stay after school to talk to a kid because she has to leave when everyone is still thereon the campus. We have to get at the terror thing first, the No. 1 priority, before we can get education. We have to do them all simultaneously. We have to have economic opportunity so that when you do learn something you can get some kind of a viable profession or job.

Mr. Hawkins. To place it a little more specifically, I think as of June of this year the antipoverty program, as we have known it, that has provided some of the assistance, that you speak of, that is needed to change the community, that program will be terminated. In view of the fact then that these programs that have at least brought some ray of hope, that have provided some volunteers, have provided some paid workers from these communities, that have provided some facilities, recreation, educational and otherwise, if these programs are being cutback, do you see any hope that we can improve in areas such as this; they certainly are not going to be able to lift themselves up by their bootstraps.

Mr. Davis. Right.

Mr. Hawkins. You can ask individuals to come forward with jobs, but when you have a declining area of that nature it would be obvious that the jobs will be fewer and not increase as these programs are cutback, and the manpower programs are being cutback, are we headed in the right direction to help you with that type of support in a community that can respond on the basis that you think is needed, if we are going to put an end to crime and violence?

Mr. Davis. Maybe those programs should not have been eliminated. Maybe they should have. I don't know. I know that the residual effect of most of those programs, when they left they left nothing. They did not create any viability in that community and what

I have asked for is, is in each of these areas that I am talking about that are the most depressed, if you fly over them in a helicopter, there are all kinds of little plants and businesses and all kinds of cars parked out there in the daytime. There are all kinds of job opportunities. I think what has to happen is there has to be an integration of the work force, let's say these people can walk to work.

Mr. HAWKINS. How can they walk to work if there are no jobs?

Mr. DAVIS. That is what I mean. That is what we are trying to do with the youth, particularly for this coming summer, that is have a job that they can walk to, that is in their neighborhood, that is a half a dozen blocks away, that is a successful ongoing business. And, I think the answer, rather than the creation of something through those kinds of poverty grants, if there is some way through your Small Busness Administration or something, you can develop job opportunities in neighborhoods where there is a high concentration of unemployment with ongoing viable businesses and what we are trying to do is get the businessman to respond with these opportunities.

Mr. HAWKINS. Mr. Davis, the chairman reminds me that our time is limited, so I will forgo any other questions.

Mr. BELL. Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman.

Chief Davis, you said in your remarks that crime on school property has increased by 22.6 percent since 1972 and you also stated that you received $6 million in LEAA funds. Can you tell us how the LEAA funds were spent and who recommended that they be so spent?

Mr. DAVIS. One of our most successful programs, which is now terminated, was the Team 28, Team Placing Experiment in Venice. This will give you an idea of LEAA funds. They were sponsored for 1 year. They came out with a new concept in police work that without any Federal funding we are now extending into the middle of Watts, and we have within the Northwest Section of the San Fernando Valley. That is the idea of that kind of Federal funding, to come up with an innovative program that the governmental agency, local governmental agency can carry on their own. That was the highly successful one.

Mr. CLAY. How much did you spend on that program?

Mr. DAVIS. That program was probably in the neighborhood of $300,000. We are currently—we currently have—that reduced, incidentally, in that target area in Venice, which is a microcosm of the city, reduced burglaries for a period of 1 year by 43 percent. Now we have a program that I think is about a half a million dollars, now, on auto theft, which is predominantly a juvenile crime.

Mr. CLAY. Is this LEAA money?

Mr. DAVIS. This is LEAA money, right.

Mr. CLAY. OK.

Was this over and above the city's——

Mr. DAVIS. Over and above the revenue sharing—no, this was included within the $6 million. This was all included within this $6 million.

We have a computer system that has been developed for a period of about 6 years beginning with a little LEAA money in the beginning that is coming into fruition, which is an electronic Sherlock Holmes. The detective can talk to it and say who did that and it compares all of the people that were interrogated on the streets and compares people who have been arrested, modus operandi, compares the mode of operation of the crime, and it grinds out—this is in process of being implemented during this current funding period.

We have a shooting simulator at the Police Academy that will be unveiled on July 12 and this is a discretionary grant from the LEAA in Washington, and this confronts a policeman in a 360 degree screen with full quadrasonic sound with what he might encounter on the street and he pulls his gun out and shoots, or he doesn't. And, when he leaves it will give him a ticket saying, "You are indicted," "You are dead." or "You did a good job."

Now, this we hope—we hope through this to make mistakes in that kind of a situation and retrain the officer in his responses to cut down on bad shooting.

Another thing done in a very important project is our Mile project, which is our computer assistant training type situation in our police academy. I wish you could see this before you leave. We will have 70 police recruits sitting down interacting at their own speed with a video system and this is being looked at. I think they are going to simulate some of it with the FBI Academy. It is that good.

So, we have had very good success. Other than LEAA money, the resources on bus robberies, gang problems, we take them out of our own mind and we put a tremendous percentage of our resources into that. So, indirectly some of your direct Federal Revenue Sharing money to the city council and the Mayor is going into some of the effective programs.

Mr. CLAY. How much of the $6 million did you spend for hardware?

Mr. DAVIS. Really very little on hardware, because when you get to hardware-type situations, you are talking about software development. So, on hardware itself, I would say the $6 million—I am just giving you a calculated guess, now, it probably did not include more than $2 million in hardware, if that much. There was a lot of it in software.

Mr. CLAY. I do not want to take up too much time. Can you tell us some of the types of hardware that you spent the $2 million on, did you buy any tanks, or flame throwers?

Mr. DAVIS. No, they have not been delivered yet.

Mr. CLAY. Have they been ordered yet?

Mr. DAVIS. No submarines, I did want a submarine to fight the dope coming up from Mexico.

Mr. CLAY. The reason I am asking you is we have had witnesses come before us and say they spent their money for hand grenades, flame throwers, and tanks.

Mr. DAVIS. The money that Congressman Bell got us, our Command Control System, is going into computer terminals in police cars where the station can interact with him directly, he can query the file on whether or not a person is wanted, or a car is stolen, directly in his police car with no human intervention. That is one place the hardware is gone to.

Some hardware has gone into our city computer system for the electronic Sherlock Holmes program. Some money has gone into hardware for the video cassettes that the police recruits sit down and train with.

Mr. CLAY. But, you have not bought any helicopters or tanks or flame throwers?

Mr. DAVIS. No, all of our helicopter fleet is purchased out of local city money and we do have one fixed wing aircraft that is supposed to be purchased out of a narcotics grant.

Mr. CLAY. But you have no tanks or flame throwers?

Mr. DAVIS. We have no tanks or flame throwers? I do not think that you can do very appropriate police work with tanks and flame throwers.

Mr. CLAY. I just wanted to know for the record whether you had them.

Thank you, Mr. Chairman.

Mr. BELL. Mr. Dixon.

Mr. DIXON. Thank you very much.

Chief Davis, in your prepared statement you made a statement that says that Government has treated the Juvenile Justice System as a neglected child.

Mr. DAVIS. Right.

Mr. DIXON. I wonder if you could be more specific as to the agencies within the Government, which you think have done this.

Mr. DAVIS. I think, No. 1, all of us in the Criminal Justice System have to take the blame, the police, the courts, and the prosecutors, the public defenders. I think the elected legislative bodies, the board of supervisors, the State legislature—you know, if you can take a $5,000 civil case to a Judge, or a $1,000 civil case, you ought to be able to take a kid's being alleged that he has committed a crime of theft to a judge.

Now, the State legislature creates the number of judges we have, so the State legislature failed to give this county an adequate number of judges.

The board of supervisors has to pay the bill, generally, but I think there is an awakening on the part of our board of supervisors.

So, I think all of us—I think we concentrated on the major adult offenders to the exclusion of doing a real thinking job on how we should go about doing our job with juveniles.

Police juvenile—our assignment of people into the juvenile function has been deficient compared to the growth of the problem. I think we all have to take the blame. I would commend all of your attention to the National Advisory Commission on Criminal Justice Standards and Goals Reports on the Courts, on Crime Prevention, on Police and on Correction. I happen to Chair the Police Task Force Report and I think there are a lot of answers in there for this committee. They are too voluminous for any of you to go through personally, but I think your staff can pull out of the Crime Prevention section, of the Court Section, and the Police section and the correction system, very appropriate things that would be pertinent to you on these sections.

Mr. Dixon. Just one other question along that same line.

I think earlier you made reference to a killing that probably took place on Tuesday.

Mr. Davis. Right.

Mr. Dixon. On that particular case, where did the system fail?

Mr. Davis. The system failed, in my opinion, on the man who walked down the street, he asked this fellow for a quarter and he probably walked down the street and talked to another citizen there and showed him his gun and everything and went back and shot him.

But I shouldn't really talk about him because I want him to have a fair trial. But, I think he had experience in things that were not as serious, but should have caused someone in the criminal justice system to perhaps protect society from him in an attempt to rehabilitate him rather than have him out on the street.

That is as much as I can say because the case is pending.

Mr. Dixon. I do not want to talk about the factual situation, but who in the criminal justice system should have diverted him, is it the probation department, or the police department——

Mr. Davis. We do not point fingers. Let me say this—the State legislature--I will point a finger at the State legislature.

Mr. Dixon. All right.

Mr. Davis [continuing]. —Since you are a member of the State legislature.

Mr. Dixon. All right.

Let's relate it to this incident, though.

Mr. Davis. All right.

To this incident——

Mr. Dixon. Where did the State legislature——

Mr. Davis. The State legislature has put in a system called probation subsidy.

Mr. Dixon. Yes.

Mr. Davis. That for everyone who is not committed to a State institution, they will pay the county $4,000 per head. This county, and I think Mr. Kirkpatrick, when he testifies, will give you the figures, they got $9,000 million last year for not sending people to the State prison, or the youth authority, and so there has been a disinclination on the part of the system, not the police, or the prosecutors, but the probation and the judges, a disinclination to isolate the hardcore serious offender and put them in the youth authority.

Now, that has been engenedered, in my opinion, by the State legislature and you have heard me criticize the probation subsidy program before.

Mr. Dixon. Yes.

Mr. Davis. I am not against community based rehabilitation. I say it has never been tried. What they have done is overburdened an already overburdened probation officer with another case that he cannot watch. Now, even with their high caseload where they use that money, there are more tough guys than one probation officer can supervise.

So, that has, I think, contributed to it. I think all of us being mopic and not seeing—you know—that we put up the marble palaces for the adults, that we have adequate numbers of judges for the adults, and that we have adequate bed space for adults in jails, that all of us fail to look at that and I do not think that finger pointing is constructive. Right now we have the insight in this county and we are working on it and I think with the help of the State legislature and the board of supervisors and the mayor and the council and Congress, that we are going to make substantial progress.

Mr. DIXON. Where have the law enforcement agencies failed in the juvenile system?

Mr. DAVIS. Probably we failed to a great extent in saying, "Look, we are cops, we are not social workers, we should not be involved in any kind of programs."

I found that the DAP program had been eliminated. I reinstituted the DAP program. We have overlooked the juvenile as being somewhat—we have been working with adults for the last 4½ years, since I have been chief, on crime prevention and neighborhood watch. We now have a junior neighborhood watch. We now have little kids on bicycles who are curious who are helping protect their neighborhoods. And, I think the police have failed to see their role in going into the preventative area and thinking they are only supposed to react when a crime occurs. And, we are going more heavily—we do not have time to tell about the programs we are undertaking as we got the insight that we failed to perceive the prevention to.

Mr. DIXON. As far as you are concerned, does the police department give the probation department sufficient evidence to make deciations as to the juvenile system?

Mr. DAVIS. We have seldom had complaints that we did not give them adequate evidence.

Mr. DIXON. Thank you.

Mr. BELL. Is that all of the questions?

Mr. CLAY. May I ask another question?

Mr. BELL. Yes.

Mr. CLAY. What percentage of your police department is made up of minorities?

Mr. DAVIS. We have 18 percent black citizens in the city. We have about 5 percent black in the police department. We have about 18 percent Mexican Americans. We have about 7 percent Mexican Americans in the police department. We have 4 percent orientals in the community. We have about one half of 1 percent orientals.

Now, in the last few years we have gone on what we call selective recruiting drives in which we seek out qualified minority members and we, last year, recruited at the rate of 23 percent minorities. So, if we can continue that 23 percent—our goal is 35 percent next year. This is voluntary.

Mr. CLAY. 35 percent of the total force?

Mr. DAVIS. No. 35 percent of the recruits.

Mr. CLAY. I see.

Well, you know percentages don't tell me much. When you start with almost nothing and you—if you start with one and you hire another one, that is a hell of a percentage increase. How many blacks are on the force, what is the total size of the force?

Mr. Davis. All right.

The force is 7,300 men.

Mr. Clay. How many blacks are on it?

Mr. Davis. We have about 375 blacks.

Mr. Clay. How many Mexicans?

Mr. Davis. We have about 450 Mexican Americans.

Mr. Clay. Is there any reason why the percentages are so low? Is it because blacks and Mexican Americans do not want to be policemen?

Mr. Davis. The Mexican American wants to be a policeman and we have some classes that are 25-percent Mexican American. It is more difficult to influence qualified young black men to become policemen. That is a lot tougher as a recruitment job. With Orientals, they tend to have an in-community feeling. This is changing because of the immigration laws. This city is different than the last time you saw it here. We have a lot of Koreans in here. We are trying to actively recruit Koreans. Koreans are a crime victim problem in this city and so, if our goal of 35 percent is met next year, eventually we will have—the department should approximately obtain—it should be a reflection of the community to some extent.

Mr. Clay. Why do you think that blacks do not want to be policemen?

Mr. Davis. Well, No. 1, there is a real big market for highly qualified blacks and so we run in competition with industry.

Mr. Clay. But, most police officers are not highly qualified, are they? What are the standards?

[Laughter.]

Mr. Davis. You do not know about Los Angeles policemen. Los Angeles policemen are very highly qualified.

Mr. Clay. Do you have to have a high school education—what is the minimum?

Mr. Davis. They are only required to have high school, but they average more than 2 years of college. They have an extensive——

Mr. Clay. On the force?

Mr. Davis. Right—the recruits, the recruits. Most of them continue their education after they get in. That is an accident that they have 2 years of college. That happens to be——

Mr. Clay. You mean the average educational attainment of the police force of Los Angeles is 2 years of college?

Mr. Davis. More than 2 years. The recruit—the recruit——

Mr. Clay. Not the recruits, the average of the police force.

Mr. Davis. The average of the police force would be higher than that.

Mr. Clay. Would be higher?

Mr. Davis. That is right. That is an accident, that is not required. Now——

Mr. Clay. And blacks have so much available employment opportunities that they are not interested in the police force?

Mr. Davis. I am saying that a man of the caliber to go into the Los Angeles Police Academy is also highly sought after in this city by business and industry and other levels of government. And, we have been working in the 4½ years that I have been chief, with great vigor and we have tried all kinds of things, all of them voluntary. We have no Federal compulsion because we do not fall into the category that many cities do of not—we at least have 5 percent and are working hard to increase that.

Mr. Davis. What is the unemployment rate for blacks in the city?

Mr. Davis. The unemployment rate for the general community, as you should know, is a startling 6.8 percent and so depending on what part of the black community you go to—if you went down into the middle of Watts, it is probably somewhere around 40 to 50 percent. If you went into the Baldwin Hills area, it is more like 9 or 10 percent.

But, the community itself is something I hope—the one gentleman from out of town, the Mexican border problem, hundreds of thousands of people coming over there into a community that has a 6.8-percent unemployment factor.

Mr. Clay. With the high rate of unemployment in the black community—we would have to assume that they are qualified for the police department, or you don't want them on the police department, or they don't want to be on the police department, what——

Mr. Davis. We—as I told you, we want our department, to reflect the ethnic composition of the community. For example, I am having great difficulty in recruiting Jewish officers and we have a very large Jewish population here. So, we have a Jewish recruiting drive on. I want Jewish mothers to say not only "Mine son the doctor," "mine son the lawyer," but, "mine son the policeman."

[Laughter.]

And yet, we are not——

Mr. Clay. I imagine you do not have the unemployment in the Jewish community of such a substantial amount——

Mr. Davis. Oh, yes. There are a lot of social problems in the Jewish community. Not all Jews are wealthy and in the professionals ranks.

Mr. Clay. Of the 25-percent Mexican Americans that are enrolled in these classes, how many finish?

Mr. Davis. The percentage of minorities who enter and finish is about the same as the Anglos that enter and finish.

Mr. Clay. What percentage is that?

Mr. Davis. We will have an attrition of about 30 percent in 4 or 5 months of training.

Mr. Clay. So that projected 33-percent increase, your goal, how long will it take the police department to reflect that that will be the composition?

Mr. Davis. Well, I would think that it would probably take 10 to 15 years.

Mr. Clay. Thank you.

Mr. Bell. Mr. Dixon.

Mr. Dixon. Just one quick question.

Are you satisfied that all of the incidents of violence that involve a violation of law on school property are reported to the Los Angeles Police Department, or to a law enforcement agency?

Mr. DAVIS. I do not think that any of the crimes are fully reported. Particularly on school grounds because I have talked to kids who sit in fear and say, "You know, he cut me last time, and I called the police and you took him, and he came back, and he beat me up again."

So, I think there is a lot of fear because of the recycling of dangerous guys back in the community. There is great fear on the part of the juveniles to report all of the crimes that occur against them.

Mr. DIXON. Are you satisfied that the administrators and teachers report all of the incidents they are aware of?

Mr. DAVIS. I think to a much greater extent they would do that.

Mr. DIXON. Thank you.

Mr. DAVIS. But it is underreported by the students.

Mr. BELL. Thank you very much, Chief Davis, for your very excellent testimony.

I would like to have come forward now Dr. William Johnston. Dr. Johnston has been superintendent of the Los Angeles Unified School District since January of 1971. Prior to that time he served as assistant superintendent for adult education in the Los Angeles City School System. He is a member of the YMCA Board of Directors, and Boy Scouts of America, and the Los Angeles Chamber of Commerce, and the Southern California Industry Educational Council.

Dr. Johnston, it is a pleasure to have you before our subcommittee. Any statements that you have to make, you may place in the record, or you can summarize, or you can do as you see fit, read it, or whatever you like.

Dr. JOHNSTON. Thank you very much, Congressman Bell.

I indeed appreciate the opportunity to appear before you and following me will be a principal of one of our schools, we have a parent who will give testimony, we have a number of teachers who are prepared to give testimony.

But, before I begin, may I just say a word of thanks to you personally and to Congressman Hawkins for the leadership that you have given to Los Angeles, and to the schools of this Nation on H.R. 69. I know personally that your involvement in the Education Subcommittee and combined leadership of the two of you has made the difference and we are much encouraged and hopeful that Congress and the Senate will finalize the passage of this bill that is so important to all of us. It is a very important first step.

Mr. BELL. Thank you.

[Prepared statement of Dr. Johnston follows:]

STATEMENT BY WILLIAM J. JOHNSTON, SUPERINTENDENT, LOS ANGELES CITY SCHOOLS

Congressman Hawkins and members of the committee, before beginning my brief remarks, I would like to take the opportunity to thank you for your thoughtfulness in inviting me to attend today's hearing and present testimony on the problem of safety in the public schools of our Nation. There is no doubt that this problem has reached epidemic proportions. It is materially affecting, in a negative way, the quality of education for all young people and adults in public schools throughout the nation. This is particularly true in our Nation's vast urban areas, in which large concentrations of people are found living in substandard, congested, housing facilities.

For example, during the past two weeks in schools in Los Angeles, these incidents were recorded.

Three students were shot at Locke High School.

Five shots were fired at a Carson High School student as he attempted to escape after his gun misfired twice, by the former victim.

A 14-year old Bret Harte Junior High School student was shot in the head, point blank. His condition is critical.

As these incidents point out, violence and vandalism have become the Los Angeles School District's greatest problem. Fear, suspicion, weapons, assault, lack of respect for the rights of others, disorder, lawlessness, are incompatible with a proper learning environment.

Let me stress however,. that the overwhelming majority of our student population—99 and 99/100 percent of them—come to school to learn. They want to learn. Their parents want, and insist, that their children be safe, that the school be a place to learn.

The challenge that we, as a community, as educators, as legislators, as citizens, have before us is to insist that an atmosphere be maintained that is conducive to learning. That makes our schools safe so that students can learn, teachers can teach, administrators can administer, and parents will know that their children are being protected from harm.

Yet, we are in a time of crisis. There is no doubt about it that violence and crime are having a devastating impact on education in all of our schools in this community as well as in other schools throughout the state. This devastating impact is first felt in the area of finances. Badly needed dollars, already in short supply, are being siphoned off from the educational program to be used to pay for the cost of vandalism, burglary, and arson—as well as to pay for additional security.

But most important is the effect that crime and violence have on the schools themselves. Time lost from the instructional program can never be regained. Morale of teachers and students is jolted by the senseless acts . . . and instead of an atmosphere conducive to learning, our schools become places where fear, insecurity, and hostility prevail.

EXTENT OF PROBLEM

In Los Angeles, dollar losses since 1968, because of vandalism, arson, and burglary, have been more than $1 million. We expect that this year's losses from these three areas will be in excess of $3 million.

During the current school year alone, the total cost attributal to the impact of crime and violence in the schools in Los Angeles alone, will run approximately $7 million.

Crimes against students, teachers, and security agents in the 1973–74 school year will increase materially over past years. This school year, from July 1 until March 1, we have already recorded 117 assaults against teachers, 15 assaults against administrators, 227 assaults against students, and 78 assaults against security agents. Last year—for the entire school year and not just for the eight months from July to March—a total of 159 assaults were committed against teachers, administrators, and security agents. Last year, for the entire school year, 197 students were assaulted—as compared to the 227 assaults already recorded for the first eight months of this school year.

As a result of the school district's "Get tough" policy, that does not tolerate possession of firearms or other deadly weapons on campus, the number of total expulsions of students this year will be the highest in the school district's history. Last year to this time, 53 students had been expelled from the district. This year, up to March 1, 76 students have been expelled from attendance in district classes.

What are we doing to combat this problem? The district has a number of short-range approaches to reduce crime and violence in our schools. Some of these are:

SECURITY SECTION

The district operates the third largest "Police Force" outside of the sheriff's office and the Los Angeles police department . . . slightly in excess of 200 men on the force . . . 75% are assigned to schools and daytime patrol in a program primarily to reduce violence and disturbances in schools . . . the remaining 25% are on night patrol, primarily to fight vandalism and burglaries . . . budget for this year for security is approximately $3.9 million—some $800,000 over last year's budget.

INTRUSION ALARM SYSTEM

This is a program to combat burglaries, arson, and vandalism . . . over $2 million has been spent in the last two years to equip schools and other district facilities with intrusion alarms . . . another $3 million in intrusion alarm projects are included in the forthcoming $255 million school bond issue on the June ballot.

PERSONAL ALARM SYSTEMS

The California Council of Criminal Justice has ruled that a section of our city, bounded by the Santa Monica Freeway on the North, Alameda Street on the East, Artesia on the South, and the San Diego Freeway on the West, is an impacted area and thus, eligible for a grant.

The following high schools qualify for security alert systems: Crenshaw, Dorsey, Jordan, Locke, Manuel Arts, and Washington, because they are in the impacted area.

The total amount of the grant is $614,880, with the district putting up $23,000 in matching funds.

We expect the alert systems to be operative by May 1 of this year.

COBA EDUCATIONAL PROGRAM

Council of Black Administrators has launched a positive program to educate students, parents, and the community on the futility and self-defeatist aspects of school violence . . . it is called "Books Not Weapons" . . . and is an informational program using billboards, radio, television, newspapers, and a variety of other approaches . . . this program is funded with a $5,000 grant from the city of Los Angeles and a matching $5,000 grant from the School District.

TRUANCY REDUCTION PROGRAM

Started in January, it is a joint cooperative effort between LAPD and the city schools. It is being conducted through June on a pilot basis in 12 areas of the city . . . the program consists of pupil services and attendance counsellors from the district working with LAPD patrol cars . . . the program seems to be very successful and going very well . . . more than 2,000 young people have been returned to schools by these teams and several thousand other juveniles have been interviewed and counseled by the police-district combined teams . . . in many areas the police statistics report a marked decrease in daytime crime.

STUDENT INVOLVEMENT

I am pleased to report that students themselves, in the schools most seriously affected, have taken the leadership in a most serious and enlightened effort to eliminate violence—not only in the schools but in the community itself . . . All day tomorrow at Locke High School—where a student was recently killed on the athletic field—a student conference is being conducted at the invitation of the Locke High School Student Body . . .

OTHER STUDENT EFFORTS

Student support section of the Black Education Commission . . . citywide student affairs council.

There are many other activities going on in our schools and in the community that time prevents me from describing.

In the final analysis, we must recognize that we are dealing with a problem whose roots are not in the school. The roots of the problem are in the community—and the school ground eventually becomes the battleground where a resolution of conflict is attempted. In this context, it must be recognized that the school has a very limited sphere of influence and control.

Despite these limitations, it is incumbent upon us to do everything possible to maintain an atmosphere of safety, an environment for learning on our school campus. This is our commitment—to provide secure places, free from fear, for our students and teachers. We can do no less.

If comprehensive, long-range solutions are to be found, they will come about only through a cooperative, community-wide effort. I am happy to state that a wide range of such activities are now underway.

One of these is the work being done by an ad hoc committee on juvenile justice, under the able leadership of police chief Ed Davis. In addition to immediate short range solutions, this committee is extensively involved in a variety of programs designed to produce major changes in the administration of juvenile justice in the state.

In closing, I would like to urge this subcommittee to support legislation which would provide school districts with resources to combat violence and crime without taking dollars from education to do so.

I strongly believe that we will not be able to deal with the issue of violence in the urban communities of our nation unless a comprehensive program is initiated, under Federal offices, aimed at prevention and treatment. I should stress that in this connection I am not talking about programs in schools, programs in neighborhoods, or programs for improving the issue of juvenile justice.

Rather, I am discussing a much broader based effort coordinated at the Federal level and aimed at identifying the root problem of dislocation of youth, of deviants among youth, of problems which erupt in youth violence on our streets, on our playgrounds—sadly and regretfully—in our schools and even in our churches.

Piecemeal attempts have been made in such federally sponsored programs as the Juvenile Delinquency Act, and the Safe Schools Act. But these are just the beginning and although such legislation has been well meaning, what little legislation has been enacted has been woefully under financed. In conclusion, may I again repeat that the schools of our community are in existence to provide an educational program for our children and young people in a safe environment. We must be able to do this if we are to assure our continued existence as a community, as a Nation, as a Civilization. This completes my presentation.

STATEMENT OF DR. WILLIAM JOHNSTON, SUPERINTENDENT, LOS ANGELES UNIFIED SCHOOL DISTRICT; ACCOMPANIED BY RICHARD W. GREEN, CHIEF SECURITY AGENT, LOS ANGELES UNIFIED SCHOOL DISTRICT

Dr. JOHNSTON. As I listened to the testimony of Mr. Davis, Congressman Bell, and members of the committee, I am reminded that our own school district had a similar discussion to the one this morning, this last Monday. And, if I may, I am going to obtain a transcript of that testimony and send it to you so that if you wish, it could be included in this record because much of what is being discussed today was on our record at that time.

Mr. BELL. Without objection, so ordered.

Would you introduce the gentleman on your left?

Dr. JOHNSTON. With me is Mr. Richard Green, chief of our security section of the Los Angeles City Schools.

I will make a few comments and I am sure prompt a number of questions by the areas that I hope to cover.

The problem has reached epidemic proportions and I agree with your opening statement and that of Chief Davis. It is in fact affecting in a negative way the quality of education for all young people and adults in our public schools throughout the Nation and I would say that it is particularly true in our Nation's vast urban school districts in which large concentrations of people are found living. For example, in Los Angeles in the past 2 weeks in our schools, these are just a number of incidents that were reported: Three students were shot at one of our high schools, five shots were fired at a high school student as he attempted to escape after his gun misfired twice, a 14-year-old high school student was shot in the head point blank and his condition is still very critical. As these incidents point out, violence and vandalism have become Los Angeles School District's greatest problems. Fear, suspicion, weapons, assaults, lack of respect for the rights of others, disorder, lawlessness, are in fact incompatible with the proper learning environment.

I would want to stress that the overwhelming majority of our student population comes to school to learn. They want to learn. Their parents want them to learn. The school must be a safe place in which to learn. I think that the most important effect that the crime and violence have on schools themselves is the time that is lost from the instructional program, time that can never be regained. The morale of the students and teachers is jolted by senseless acts and instead of an atmosphere conducive to learning, our schools become places where fear, insecurity, and hostility prevail. I would like to just briefly try to indicate the extent of our problem. In our school district since 1968, because of the vandalism, arson, and burglary, our dollar loss has been more than $11 million. We estimate that our loss for these causes this year will be at least $3 million.

Crimes against students, teachers, and security agents in the current year increased materially over past years. From July 1 of this past year until March 1 we have already recorded 117 assaults against teachers, 15 assaults against administrators, 227 assaults against students and 78 assaults against security. As a result of our own district's get-tough policy that does not tolerate the possession of firearms or other deadly weapons on campus, the total number of expulsions of students this year will be the highest in the school district's history. Last year at this time 53 students had been expelled. This year, up to March, 76 students have been expelled from attendance in district classes.

Let me now just briefly indicate a number of things that the district is trying to do to combat the problems that I have just presented.

Regretfully I must report that we have the third largest police force in the county. We have in excess of 200 men on our security staff, 75 percent of them working days in the schools and 25 percent are on night patrol. We have installed intrusion alarms in many of our schools and spent over $2 million this last year for intrusion alarm systems.

Congressman Clay, I did want to mention that through the efforts of Mayor Bradley our district received this year $600,000 from the LAPD funds to provide a personal security alert system for six of our high schools and we appreciate that very much. We have a council of black administrators that have launched a project called "Books Not Weapons" that is very successful.

Chief Davis listed the involvement of the PD where 30 classes, "Citizens and the Law," are taught in our school. He indicated as well that in cooperation with the police department we have a truancy reduction program underway.

The students themselves have become very involved and have given great leadership. You will hear in a few moments from a young lady, Acquanetta Harrison, the student body president of

Locke High School, and she will tell you of programs that students have started that are very encouraging.

We have a black education commission that has a student support section that is very active in this area. The school district has established an urban affairs office and employed a special staff to work on this problem.

In the final analysis I would conclude that we must recognize that we are dealing with a problem whose roots are really not in the school. The roots of the problem are in the community and the school ground eventually becomes the battle ground where the resolution of conflict is often attempted. In closing I would like to urge this subcommittee to support legislation which would supply school districts with resources to combat violence and crime without taking dollars from the educational program.

I have to point out that in Los Angeles we are spending $7 million annually for our security force and for the repair of vandalism and we take $7 million from a budget that cannot afford this amount of money. Our average per student is $924 per student per year. Our cost per student is below our countywide, Los Angeles countywide average. So, when you must, out of necessity, take $7 million from the instructional program, it is very obvious that you are hurting that program a great deal.

I applaud Congressman Bell's amendment to H.R. 69 which is aimed at identifying the root problems of the dislocation of youth, deviants, the problems which erupt into youth violence on our streets and in our schools.

In conclusion, may I repeat that the schools of our community are in existence only to provide an educational program for our children and young people in a safe environment, and, we must be able to assure our staff, our students and our parents that the students in a safe place in which to conduct activities.

One of our board members, Dr. Nava makes the point that perhaps attention should be given to the problem of violence as it is given on television and in our movies. I would say to this committee that two Federal programs are important to the Los Angeles City School Board, the NYC, the neighborhood youth program. Last summer we didn't know whether it would be funded and in fact we were eventually funded in August, which was tragic. But, we do provide some 5,000 jobs for youths in the summer youth program and through our own efforts an additional 2,000 jobs. I also feel that the MDTA program, the manpower development training program, the skill center program, and the effect that that has on employment opportunities for young adults is a very meaningful one.

Mr. Bell, that completes any formal comments that I have and I would be pleased to respond to questions the committee might have.

Mr. Bell. Thank you, Dr. Johnston.

You mentioned the Safe School Study Act. This act leaves the definition of crime and violence to the Secretary of Health, Education, and Welfare.

Dr. Johnston. Yes.

Mr. Bell. I wonder how you would define the terms "crime and violence" with respect to elementary and secondary children?

Dr. Johnston. What we construe, if I follow your question, Congressman Bell, we are talking about violations of law. Is this——

Mr. Bell. Yes.

Dr. Johnston [continuing]. The response to your question?

Mr. Bell. Yes.

Dr. Johnston. We have listed and have statistics for the committee of the number of incidents of violence of student against student, student against staff, student against the security force and so on. These are the types of disruptions that we are most concerned about.

Then, of late, we have the problem of young people bringing weapons onto the campus. We are told by many of the young people that they bring weapons as a defense. But, the district has taken the unilateral stand that we cannot tell if it is offensive or defensive, if you will, and we simply will not allow a young person to bring a deadly weapon onto the campus. I hope that the Secretary would have these serious matters in mind as he addresses this problem and tries to identify the statistics nationwide.

Mr. Bell. Doctor Johnston, I have been reading some statistics that have been shown that there is a lowering of reading scores of youngsters in Los Angeles and I am wondering whether or not there is a direct correlation of academic achievement to the crimes in the school?

Dr. Johnston. Well, it would be obvious that the incidents that our teachers and principals in the community will report to in a few moments, has a terrible effect on the instructional program. But, I am delighted because of the availability of additional resources that are unique and cannot be explained during the time today that we have had an increase in our reading scores, so we are encouraged by that fact. But, is it obvious that these incidents on a continuing basis and in fact on an escalating basis, seriously affect the quality of the instructional program.

Mr. Bell. I have some other questions, but I will yield here to Mr. Clay.

Mr. Clay. Thank you.

Dr. Johnston, do you have an automatic policy of expulsion for carrying, let's say, a deadly weapon?

Dr. Johnston. We do, Mr. Congressman.

Mr. Clay. I have been told that an 8-year-old child was expelled for allegedly attacking a teacher with a lead pencil. Is that true?

Dr. Johnston. I would say not. I do not know of the incident that you refer to, and I would consider that a deadly weapon. We have a case, in fact, this year of an elementary youngster who had a loaded gun in his shoe and he was expelled. It is a problem for us and our community, what can we do now for these increasing numbers of youngsters expelled from the school district. Such an expulsion might last for 6 months or a year and then three members of our board of education review each case individually and then eventually that young person is readmitted back to school.

Mr. Clay. My information came from a probation officer here in the city of Los Angeles. Of the 76 who have been expelled this year, what happens once the student is expelled, what is the procedure?

Dr. Johnston. The procedure, please note, Congressman, a very deliberate and careful hearing is held by three members of the board of education in executive session involving the parents of the young people. This is really the ultimate step that the school district has, and when they are expelled, by law in our State, they are totally removed from the school. And, as I have indicated, this then becomes a problem of who has responsibility for the education and rehabilitation of that young person.

We have to take a hard stand for the protection of the majority of students that the number 76 have to be expelled for a period of time until we can evaluate at a later date, and then hopefully bring them back into a meannigful educational program.

Mr. Clay. Is there a judicial review procedure?

Dr. Johnston. No, this is done totally within the jurisdiction of the school district. An expulsion is generally based on a violation of the law. So we immediately bring that to the attention of the probation department.

Mr. Clay. Do you automatically refer these cases to the probation——.

Dr. Johnston. They know because in fact the incident for which they are expelled is a violation of the law.

Mr. Clay. So, you automatically inform the probation department. A couple of other questions; the 76 students who were suspended were—were the greater portion of those students from schools which were 50-percent minority or better?

Dr. Johnston. I would say that is the case.

Mr. Clay. Do you feel there is a correlation between ethnic background and expension and expulsion.

Dr. Johnston. Congressman Clay, I think the problem at the moment seems to be the confrontation of gang with gang. If I were to generalize it, or summarize it, that is the problem that we face and perhaps do not really fully understand. That is why I am encouraged by the study that Congressman Bell has indicated will be forthcoming.

Mr. Clay. I want to ask you the same question that I asked Chief Davis. What percentage of the school population is Mexican American and what percentage is black?

Dr. Johnston. In round numbers the student population is approximately 25 percent black, 25 percent Spanish speaking, 3 to 4 percent Asian, and the rest are white. The total minority population in our School District is the majority.

Mr. Clay. What percentage of the teachers are Mexican American and what percentage are black?

Dr. Johnston. I do not have offhand the total percentage, but I can give you the statistics of this year. This School District hired 1,500 new teachers this year. Seven hundred of the 1,500 were minority teachers. Three hundred fifty of the 700 were Spanish surnamed.

Mr. Clay. But, you do not know what the percentage is?

Dr. Johnston. I do not have, offhand, the totals. I can obtain that for the subcommittee.

Mr. Clay. How many Spanish speaking principals do you have in the system?

Dr. JOHNSTON. I do not know the number. We have a total of 630 schools. 434 are elementary schools, approximately 50 high schools, 78 junior high schools. I do not know.

Mr. CLAY. Would you say less than 5 percent?

Dr. JOHNSTON. What?

Mr. CLAY. Would you say less than 5 percent?

Dr. JOHNSTON. No. I would say more than five.

Mr. BELL. May I interrupt here to ask Dr. Johnston if he will make available——

Dr. JOHNSTON. I will.

Mr. BELL [continuing]. That information and without objection that will be placed in the record.

Dr. JOHNSTON. We will be happy to do so.

May I comment, Congressman Clay, that we have a School District with a declining enrollment of about 10,000 students a year and yet we are sending recruiting teams to other States, to other universities throughout the Nation in our attempt to expand our bilingual, bicultural teaching staff.

Mr. CLAY. Do you know how many black principals you have?

Dr. JOHNSTON. We have many black principals. I do not have the number. I will supply that in the report.

Mr. CLAY. But, you would not say you had many Spanish speaking principals?

Dr. JOHNSTON. We do have, yes.

Mr. CLAY. Will you supply us with the numbers?

Dr. JOHNSTON. Yes, I will.

Mr. CLAY. Thank you.

Mr. BELL. Mr. Dixon.

Mr. DIXON. Dr. Johnston, I am not too clear that I understood your answer as to what happens to the student who is expelled.

Dr. JOHNSTON. Yes?

Mr. DIXON. What is the status of those students, those 76 students?

Dr. JOHNSTON. Mr. Dixon, by law when they are expelled from the District, this is the ultimate step that any school district would take, it means that in fact they have nothing to do with the school district.

I have a growing concern now about the welfare of such young people, about their rehabilitation. But, please know that many steps are involved before the ultimate step is taken of expulsion and I think that we need to work with you and your committee about the ways in which these increasing numbers of young people can be served educationally.

Mr. DIXON. Is your answer then that you do not know what happens?

Dr. JOHNSTON. No. Because, they are no longer, if you will, our responsibility.

Mr. DIXON. I knew you did not have the responsibility, but I wondered if you knew what happened.

Dr. JOHNSTON. We do follow them through our counseling and keep in touch and then within a period, generally, of 6 months or 1 year, depending, largely, upon the age of the person, they are brought back for review and then into the system again.

Mr. DIXON. Is your office in the process of preparing some recommendations to us as to what should—what course should be followed?

Dr. JOHNSTON. Yes, we are.

Mr. DIXON. I have often heard the criticism that those students who are involved in violence on campuses are very often back in school the next day or shortly thereafter the particular act involved. Have you heard that criticism?

Dr. JOHNSTON. Yes. This is a problem and it has to do with our Juvenile Justice System, as Mr. Davis explained, and the speakers who are listed on your agenda, later today, are more expert than I. But, the problem for a school, and I guess it is the congestion, the volume, the numbers, it is many reasons, many times the student is back at the school before the reporting officer, in fact, has come into the community and this causes problems of unrest in the school. Witnesses are reluctant to be witnesses under that kind of environment. We have asked Oglebloom and Judge Kinyon, two of the three judges, if they would in fact would, hopefully, help us by imposing conditions of probation for violent acts such as "you shall not appear on a particular school campus until all things are resolved."

Mr. DIXON. The question I was going to ask you was who was responsible for that situation, do you have any idea?

Dr. JOHNSTON. This is what the committee that Mr. Davis has indicated, where the District Attorney, the Probation Department, the Los Angeles city schools, Mr. Pines, and Mr. Busch, and so on, have been meeting once a month for a full morning to attempt to define, and I believe they have recommendations they would like, as a committee, to present to you and your subcommittee.

Mr. DIXON. Do you support any change in the Welfare and Institutions Code as it relates to the responsibility for filing the petitions in the Juvenile Court?

Dr. JOHNSTON. I really have a personal feeling. I am not an attorney. I am not that expert in that area, but I have a personal feeling that when a young person, 16 or 17 years of age, commits an act that is an adult crime, he should be, in fact, treated as an adult and handled in that way. I think it is really deplorable that we have only three judges that are involved and, if you will, that the physical environment of our own Center does not represent the dignity that a Court should represent to young people.

If we are really, as a society, going to solve and attack this problem, then we have to reverse the trend of giving the priority of the Juvenile Justice System—or the Justice System to the adult and in fact reverse it and give the priority to the juvenile because that is where we can change the beginning habits and attitudes and get a program of rehabilitation started.

Mr. DIXON. Is this to say that you support the District Attorney having the authority to file petitions?

Dr. JOHNSTON. In a case, a serious case, I think this should be studied seriously.

Mr. BELL. Dr. Johnston, as a result of this legislation, if we were able to get you additional Federal money, how would you spend it in this area?

Dr. Johnston. I am encouraged by that comment, Congressman Bell.

[Laughter.]

Dr. Johnston. We have, on an experimental basis in our urban affairs staff, hired a number of young people just out of school, if you will, who communicate well with the young people with these kinds of problems. I would like to see that program expanded. I would like to see us—we have also started a program of hiring parents to come in for 4 hours a day and kind of patrol the halls and so forth. I would like to see the opportunity expanded to hire more parents from the immediate school envirnment into that school. I think that helps. I would like to see the counseling program expanded dramatically. I would like to see an inservice training program for our total staff and importantly we really need to have intensive studies of the gang phenomenon, their motivations, their makeup, and to try and decide how we are going to work with them.

To tell it just very straight, we really have to know whether we are going to try and destroy the gang and put them into other efforts, if you will, or in fact if it is the better strategy to work with the gang and try to build that leadership into a more constructive program. So, the full strategy for the moment, of how to address the problem, we really need to come to grips with it. It is really regretful that $7 million of our budget is taken from the instructional program to put into a security force of 200 and Mr. Green indicates that to answer the request from our staff, our schools now, we should have 100 additional employees on the security staff. That is the extent of the problem and the statistics as we have indicated are growing. This year is greater than last year and last year is greater than the year before.

Mr. Bell. A part of our program, as far as the Safe School Study Act is concerned, is to study throughout the country the different types of problems in this field and how to deal with them. Now, would that type of information be of help?

Dr. Johnston. I applaud this recommendation and I am hopeful that Congress will enact.

Mr. Bell. Mr. Clay.

Mr. Clay. You spent $7 million on security and vandalism. How much do you spend on preventive programs?

Dr. Johnston. I need to make that list. I have indicated that we have a staff, an urban affairs staff. The school district has ethnic commissions. We have a black commission, a brown commission, an Asian commission, and they have resources. I think we are the only school district in the Nation that has such a staff. By the way, those individuals are responsible not only to me, but directly to the board of education to give them more freedom in their activities.

We have a large counseling staff. It is not as large as I would like it to be. I think the problem of this school district is money. Next year we face a deficit of $28 million. We are in the process now of identifying what programs we are going to cut from our total district to keep this deficit and that is an unbelievably serious problem, handicap.

Mr. Clay. How much of the $7 million is for vandelism, replacing windows——

Dr. Johnston. Approximately two-plus is the vandalism cost. About two and a half and the rest is involved in the security staff and with the aides.

Mr. Clay. Do you have after school activities?

Dr. Johnston. We have a $10 million program that is a recreation program, youth services program it is called, where we have field trips, we have programs on the campus after school, Saturday, Sunday, every kind of imaginable activity along that line.

Mr. Clay. Thank you

Dr Johnston. Would you like to hear from Mr. Green when it is appropriate?

Mr. Bell. Yes.

Mr. Green. Would you care to have a minute?

Mr. Green. If I may, I have a brief presentation.

The primary——

Mr. Bell. Mr. Green, your statement will be printed in full in the record, so if you would like to summarize it for the purposes of brevity, if you could, that would be much better, but if you prefer not to, you may read it.

Mr. Green. I think the particular parts of the presentation which have to be amplified somewhat, the point of the position of a security agent on campus is to protect life and property on the school campus of today.

The daytime program—we have a daytime program and a nighttime program, and I think that the daytime program is the one, right now, we are addressing ourselves to. The fact that our teachers and the administration are living in fear as they come to those campuses today—there was a time when teachers were dedicated, we know, when they came early in the morning and they left late at night.

Now, we find that our teachers, because of fear for themselves and their student body, come at 8 o'clock and leave at 3:30. We no longer have that dedication because of the things which are occurring on our campuses and in the schoolroom. Our agents are responsible for the protection of life and property on those campuses and that is a regretable situation.

Because of the assaults and intimidation on the staff and the student body, this results in a climate within the classroom which is not conducive to conducting an educational program. That fear extends beyond the classroom. It goes out onto the campuses, onto the sidewalks surrounding our schools and on the sidewalks and streets upon which our youngsters come to and from the schools.

This is not a matter for the security, but the police department. Dollar figures can be established for those losses. However, as indicated by Dr. Johnston, the academic loss is something that is not replaceable. These are things which go on through a period of time.

The fear of which I speak is a very real thing. Our figures, which Dr. Johnston quoted, are as of last July, the fiscal year, but actually started when the school year started. 154 assaults on teachers—those are recorded assaults. I can apologize for those figures only by the fact that many of these assaults are not being reported by the teachers because of fear.

With this assault we have a goodly number of teachers that are not coming to school the next day and in some instances for weeks, either because they are recovering from their injuries, or because they are fearful of going back to that classroom. The students are assaulted. I am not talking about kid fights, I am talking about where they are set upon by groups. Two hundred and eighty-eight youngsters were attacked so far and those are only reported. We have agents who are armed, these are armed people, they have been attacked by these same people. And, in 93 instances where these agents have been attacked and the youngsters were subsequently arrested.

The shootings on campus, nonfatal, were 19. The guns confiscated on campus were 154. The knives confiscated on campus 120; and 10 students injured because of knife fights on campus.

Chief Davis indicated that they had given the school board of education considerable support, and they have. In a particular segment of our city, he has put together a task force called TRASH, an acronym for Total Resources Allocated against Southwest Hoodlums. Since October of last year they have confiscated 1,000 guns from kids on the street, school youngsters. It is quite a problem.

Our daytime campus complement, 140 agents on campuses; 26 agents in cars to move between the schools which have the major problems in the city; 44 of the high schools have agents out of the 54. Thirty-three of the high schools have agents out of 75. And, now we have grammar schools who are asking for agents on their campus, which indicates the kind of problem we are talking about. That is to protect 726,000 students and 60,000 other employees, that is a good size—that is a major city in segments of our population of the United States.

The agents have many duties within the purview of the area of their responsibility. But, many times we are finding out that their duties and responsibilities are extending out beyond the limits of the schools. We are required to ride schoolbuses, we are required to ride some of the RTD buses to prevent those students from attacking one another and attacking the citizens of our city.

This is a cost not in dollars, but—not in cost to the taxpayer, but in cost to the destruction of some of our youth and city property.

It is a broad policy that in all assaults on administrators and faculty we attempt to prosecute those youngsters which are involved. As a result of this, many of the youngsters are put upon the streets and they are expelled temporarily from the schools. This procedure, as you know, remedies that particular problem but for the moment. The problem has only been thrust back into the community. It is not solving the problem whatsoever. The suspects are detained by the appropriate authorities but for a short period of time. That is exemplified in many of these instances when the youngsters are arrested and by the time that teacher leaves her campus that night, that youngster is out in front of that school again.

So, what we are saying is the criminal justice system right now is not equipped to handle the problem or problems immediately.

Senator Clay asked the question about LEAA dollars and I think what we have got to bring to the point here is that if you talk about LEAA dollars, those kinds of dollars, we are talking about planning that must be going into the spending of those dollars. You are talking about a 2–year lag. We do not have a 2–year lagtime that we can work with. We have got to work on it now. Those kids out there are getting killed now. Our people are being attacked now, not 2 years from now. The same community that has spawned these numerous juvenile gangs and we have numerous juvenile gangs in the area today, and they number from scores to 200. These groups are historically known to be prone to violence. The most recent trend of that violence involves the use of firearms and gangland tactics and shootouts, rubouts and terror. Their activities have resulted in the deaths of one innocent student at Locke High School.

While this youngster is running the track, he was shot and killed by a member of one of these gangs. These incidents of crime and violence and intimidation move on to our campuses as gang members comprise a considerable part of that 750,000—750,000 school population. Those who have been identified as hardcore and incorrigible that contaminate the rest of our youth, we can remove them from the school. They are removed. However, by just removing them and putting them back on the street is not the answer to the problem. I think we have got to create schools—I think that we have got to do something with the community to give them an opportunity placing them in schools, or institutions, not to deprive them of an education, but to remove them from school so that they do not deprive the remainder of our students an education.

That student body that we are talking about is 750,000 and we identify the hardcore as 600. That is the thing that I see within the security section of the district. I have a lot of other information, but your time is limited and I understand that.

So, we are asking for dollars to do something about getting that youngster out of our schools and into other schools where he can be treated and dealt with appropriately.

Mr Bell. Dr Johnston, I understand that you have some other people?

Dr. Johnston. We do.

Mr. Bell. I wonder if you could summarize for them.

Dr. Johnston. Could we bring them as a group and at least introduce them, Mr. Bell, and maybe they could say a word or two?

Mr. Bell. Yes.

Dr. Johnston. We have Mr. Sam De John, who is a teacher from the San Fernando High School We have Mr. Willard Rawlins from Pasteur Junior High School, Mr. Sidney Thompson, principal at Crenshaw High School; we have Acquanetta Harrison, student body president at Locke High School. And, Mrs. Bertha Delgado, a parent, from Huntington Park High School. And perhaps each of them might just say a word.

Mr. Bell. Could we get some chairs brought up there, gentlemen. While they are getting set up, Mr. Dixon would like to ask a couple of questions.

Mr. Dixon. I would like to ask three short questions of Mr. Green.

Would you, again, in a couple of lines, tell me about TRASH, what is it?

Mr. GREEN. It is Total Resources Allocated Against Southwest Hoodlums.

Mr. DIXON. And what is the origin of this organization?

Mr. GREEN. It is——

Mr. DIXON. Is it a component of the board of education?

Mr. GREEN. No, it is not. It is a segment of the Los Angeles Police Department.

Because of the kinds of problems that we are having in those areas surrounding our schools, Chief Davis has put together a special force, a team of 30 men to work on those problems immediately surrounding our schools.

Mr. DIXON. All right.

The second question is: What type of person are you looking for to employ—what is the criteria for a security officer, what do you look for?

Mr. GREEN. Presently we are asking of an individual a year of law enforcement and at least 60 units of college education.

Mr. DIXON. Do you place any emphasis upon any other kind of formal training or academic background other than law enforcement.

Mr. GREEN. That is an area we are getting into. We can do this without dollars in our own system of putting our own agents through special training to deal with humanities, meeting the people.

Mr. DIXON. But, at this point you do not place any emphasis on that in your employment?

Mr. GREEN. No, sir.

Mr. DIXON. And third, if you had more money either from the State or the Federal Government in your personal budget, where would you place it?

Mr. GREEN. Right now I would put it into agents because that is where the problem is right now. And, then we are talking about dollars which would not take dollars to put into training programs.

Mr. DIXON. Why would you put it into more agents rather than a training program for those which you already have?

Mr. GREEN. Because right now the need is for additional people in the community, in those schools to solve those problems which are immediate there today.

Mr. DIXON. And do you think that the training of present employees would help correct the situation faster than getting more employees with a lack of background in the humanitarian area?

Mr. GREEN. No, because right now the demand is for people at a particular point in time.

Mr. DIXON. Then, is it a fair statement to say that you view the problem primarily as a law enforcement problem?

Mr. GREEN. No, sir. Because the problem did not develop as of today. It was developing over a long period of time and now it has become a law enforcement problem because, again, as a personal feeling, I do not believe the community has lived up to its responsibility in preventing that type of situation from occurring.

Mr. DIXON. Is the primary function of your division or agency to protect the property of the school and the personnel on the school grounds?

Mr. GREEN. Yes, sir.

Mr. BELL. Thank you, Mr. Green. We appreciate very much your coming before the subcommittee.

Mr. GREEN. Thank you.

Mr. BELL. Would the members of the panel please identify themselves?

Mrs. DELGADO. I am Bertha Delgado from Huntington Park High School.

Mr. BELL. Bertha Delgado from Huntington Park High School.

Mr. THOMPSON. Sid Thompson, principal, Crenshaw High School.

Mr. BELL. Sid Thompson, principal, Crenshaw High School.

Mr. DE JOHN. Sam De John, teacher, San Fernando High School.

Mr. BELL. Sam De John, teacher, San Fernando High School.

Mr. RAWLINS. Bill Rawlins, former teacher at Pasteur Junior High.

Mr. BELL. Bill Rawlins, former teacher at Pasteur Junior High.

Miss HARRISON. Acquanetta Harrison, student body president, Locke High School.

Mr. BELL. It is nice to welcome all of you. Would you like to start, Mr. De John?

Mr. DE JOHN. Yes.

Thank you, Congressman Bell.

STATEMENT OF SAM DE JOHN, TEACHER, SAN FERNANDO HIGH SCHOOL

Mr. DE JOHN. I have submitted to the committee a list, data, on the number of hours and costs per day at San Fernando High School for the maintenance of security and I hope that the committee does have that in front of you. It will help in some of the remarks.

Really what I wanted to say, and I will try to make it in just a couple of minutes, is how San Fernando High was transformed into a school totally demoralized by racial violence and riots into a school where we can now engage in the business of education. I think what happened, and I will not read my remarks, I know you are pressed for time, so I will summarize my remarks. But, basically the school became so demoralized that we had to almost reduce the academic program to practically nil. Our major concern was survival. We had an exodus. San Fernando was an integrated school and the Mexican and the black students became—started getting into confrontations, teachers were involved and there was violence. They were the object of violence.

We finally reached the point where I was asked by the faculty to present—make a presentation before the board so that we could have enough funds available and teachers off the norm to supervise with faculty members in the hall, and the gates and on the campus. We had totally lost control of our school campus. We had gangs of students wandering through the halls. So, finally the board consented in the aftermath of another riot. I would also point out that from San Fernando from 1967 to 1971 we had annual riots and in the interim between the riots we had an extreme amount of violence where 10 teachers required medical attention and some retired as a result.

We had scores of students pummeled in the restrooms and in the halls and so forth. So, once we established teachers at the doors in every major building, academic building, and we put teachers at the gates, we gradually gained control of our campus and today we are now able to state, I think with pride, that we not only have control of our campus but we have moved forward with educational programs to the point where San Fernanado has a model program for vocational guidance. Industries and colleges come to our campus. In fact, they just spent a week on our campus reruiting our students whereas 2 years ago this could never have taken place.

So, here again I refer to the statistics that you see in front of you. You will notice that one of the alarming things that we have noted as a faculty, we are being allotted less time for supervision. Because the board is being pressed for funds, we may not be able to continue the program of faculty supervision. What this means is this; faculty personnel are given a part-time assignment out of the classroom to conduct the supervision. The reason we are exercising faculty instead of community help is because the community help, as of now they seem to have particular problems in having the students respect them, respect their commands and respect their requests whereas faculty are more familiar, they are able to exert themselves in a more meaningful way. And, so, it is our recommendation at San Fernando that we continue this program of faculty supervision. But, however, it is being endangered currently because of the cutback in funds.

So, we implore the committee to look over the situation very carefully and see what help the Federal Government can render in this regard to the Los Angeles City Schools.

One last remark, I would say this, I certainly hope that the committee would review the situation as it was at San Fernando and what it is now, and see to what extent having a secure campus can provide a sound educational environment.

Mr. BELL. Thank you, Mr. De John.

Now, Mr. William Rawlins, I understand that you were stabbed in class; is that right?

Mr. RAWLINS. Yes, 2 years ago.

Mr. BELL. Would you like to comment?

STATEMENT OF WILLIAM RAWLINS, FORMER TEACHER, PASTEUR JUNIOR HIGH

Mr. RAWLINS. I think in listening to Chief Davis and also Dr. Johnston, some of the ideas that they have been offering here today are of great value, especially the idea of isolating the hard-core element, not letting them come back and contaminate the other students in the school. I think this has been one of the bad features of the way things have been going. I realize time is running short.

Mr. BELL. Mrs. Delgado, would you like to comment?

Mrs. DELGADO. Yes.

STATEMENT OF MRS. BERTHA DELGADO, PARENT, HUNTINGTON PARK HIGH SCHOOL

Mrs. DELGADO. First of all, I would like to correct that word when you say "gang." Mexican Americans usually have a habit of being in bunches and when they see a bunch like that they call them gangs, so I would like to correct that. That is just a bunch of them that happen to be together. I am with Mr. Johnston in saying that we ought to get this allotment money so that we could have more security in our halls and have more minority groups come into the schools and more communication with the people. The community and the police helping together. There is no communication, there is a gap between everybody. Everybody wants to be the big one or the little one, or whatever, and I am against the expelling situation they have because when you expell a child like that and he is out on the street, he is the child that comes back on the outside and starts the disturbance.

You throw him out of school and he objects and he gets his friends, his brothers and sisters and anyone he can and comes back to the school and that is where the violence starts, the outsiders, those that are expelled.

I say this is something that should be curbed and we should have more protection in the school, and have more security in the school, and have minority groups hired so they can work in the school.

Mr. BELL. Mr. Thompson.

STATEMENT OF SIDNEY THOMPSON, PRINCIPAL, CRENSHAW HIGH SCHOOL

Mr. THOMPSON. We have heard many statements made today and I will not go through any of the horror details except perhaps one, but what I wanted to say, we have talked many times and we have heard Congress and the State and local government talk about responsibility, responsibility regarding reading scores and arithmetic scores and so on. You cannot get these until you change attitudes. You cannot improve anybody's score, you cannot educate anyone until you get a youngster where he can breathe regularly and he can be seated and be educated. I am not implying that this is the only answer, but we have so much of this going on and we have violence, community violence in school, that it is difficult to talk about improving any kind of score educationally. I would just point out one thing to you.

Last week our school went through a beautiful week. It is a large inner city school with a huge staff. We went through a beautiful week in terms of the young people. We won a city basketball championship. Believe it or not we have been talking about scholarships and about one-fourth of our students do get scholarships for college. It is an inner city school. We did all of this and we were feeling very elated with ourselves, we had really done something and then on Thursday the police were forced into a situation of raiding home regarding weapons and they started confiscating and it made the news. I want to tell you that the demoralizing effect on that school on Friday when it hit the news media and it was announced—I think the young lady from Locke will know of a similar situation—what that did to us as an educational institution was criminal because we now have youngsters who are afraid to come into school. We have youngsters who came down and pulled out; 100, 200, 300 youngsters from the school last Friday and everything we have done for 2 weeks, the climate that we had established went out the tubes and it was done for a good reason. It was done because the young people the police arrested did in fact intend to come in front of that school and indiscriminately shoot it up. They had weapons, 15 rifles and pistols to do it with. And, I stood out in front of that school at 2 p.m. on Friday and I thought to myself, "Lord, if they had not done the fine work they have done," meaning the Southwest Police Division, "we would be standing out here right now."

I have been in this before where I have had to hit the grass, gentlemen, because of the shots fired. We would all be down on the grass and there would be young people hit and seriously injured and it would have made nationwide news. That is the kinds of problems that we are dealing with.

Mr. BELL. Miss Harrison, would you like to say something?

Miss HARRISON. Yes.

Mr. BELL. Miss Harrison, your statement will be introduced into the record if you want to summarize it.

Miss HARRISON. OK.

STATEMENT OF ACQUANETTA HARRISON, STUDENT BODY PRESIDENT, LOCKE HIGH SCHOOL

Miss HARRISON. First of all, I can say that I agree with Mr. Thompson whole heartedly because it is demoralizing. It demoralizes the school as well as demoralizing the District. My summation of what I have to say this morning was pertaining to the proposal the Locke High School Student Council has created for the disapproving of gang violence as well as student disruption.

I would like to give you a history of this real fast. On Tuesday, January 22, Robert Edward Brisco was shot on the Locke High School Athletic Field and he tragically died later at Martin Luther King Hospital. This incident, and ones similar to it have plagued the campuses of all inner city schools for the past several years.

Gang and other nonstudent and student disruptions have seriously interfered with the educational and extracurricular programs of our schools as well as the safety of the students who attend them.

The following program is aimed at providing students with a safe educational environment and at attacking disruptive influences. It is divided into three sections: enforcement of present policies, teacher responsibilities, and new programs and policies.

Students feel that these proposals as such, and others that they will be coming up with, should be taken very seriously because we, the student body, know the effect of gang violence and student disruption because they affect us mostly. What this proposal says is that you as a student, you as a teacher, you as an administrator, have got to be responsible in certain fields. One thing that I would like to point out is that the good part about this proposal is not that there would be no nonstudents on the campus without a pass issued from the main office without being arrested, or students out of class would be suspended, or city and county schools would cooperate with each other, but that it would develop an inner city composed of young people who know the problem and who are willing to sit down with each other and say this is a program we should back-up with other and say this is a program we should back-up and try and develop in our particular school.

Many times the problem is nothing to do. During lunch time you are just hanging around eating lunch with your friends when you could have an intermural program, or go to a counseling office to learn something, or this particular such.

Another thing that we are stressing highly at Locke High School, and we hope the other student counsels of the inner-city schools are taking seriously, is that our attitude must be developed. Several times schools contribute to gang activity as well as to violence by running to a fight during lunch, or when a student comes into a classroom and says something vulgar to the teacher, or something, everyone sits there and laughs.

If the students did not participate in these acts, there things wouldn't go down because sooner or later these young men or young ladies would get the message that this is not what is happening right now.

We are asking for the support of government services such as probation, juvenile court, and free counseling because they must realize themselves that their responsibilities are not just to the minority of students, but to the majority of students. When they develop a program in the community, they must remember that though this program will affect gang members, or whoever else they are trying to get to, they have to think about everybody. When you develop a program for this particular group, you have got to have something for the other groups also.

Copies of this program were sent home to parents and we did get a majority response from the full student body. The program is beginning to work. We are utilizing every communication we can. Our School Newspaper is now not just a newspaper in which you read about who is in gymnastics, or on the track team, but you read also about issues that are referring to students and this is good. This program and the other programs will come out of the inner city committee and hopefully we will resolve some of our problems. I and the students feel that this problem is getting out of hand because I do not go to school, or get up at 8 in the morning to be harassed or violated against or whatever. I come to school primarily for the reason of education and I feel that I am going to get this and from now on, as far as I am concerned, this Inner-City Committee and other people working together, we will develop this.

Thank you.

Mr. BELL. Miss Harrison, among the youngsters in your school, is it the athlete, the good student that is listened to and followed by the other students or do they have a tendency to follow the youngster that is disruptive?

Miss **Harrison**. It depends on the situation. In our school we utilize everything we can, our Student Council, our House of Representatives, our Club System, and our students this year are becoming more and more involved in things, so the majority follows those people who are trying to get something done. They realize that this is the only way that we are going to get up in the world.

Mr. **Bell**. And the disruptive troublemaker is not the one that is looked up to?

Miss **Harrison**. I can speak for Locke High School and at this particular time there have been great changes in that in as far students are following down those that——

Mr. **Bell**. That used to be the case.

Miss **Harrison**. Yes.

Mr. **Bell**. Mr. De John, you described the problems at San Fernando and how you solved them in your comments.

Mr. **De John**. Yes.

Mr. **Bell**. Did you do that without any Federal funds?

Mr. **De John**. I do not know whether San Fernando, per se, was the recipient of Federal funds, whether we received the benefit of Federal funds that were given totally, or in a blanket way to the Los Angeles City Schools, and we received a portion of that at San Fernando. I do not know that that is the case. I do know that I made a presentation before the School Board asking for funds so that we could implement a supervisory program and those funds were granted at a cost of somewhere around $200,000 a year. But, as I said before, we are getting cutback and now we are very concerned as to the survival of our program.

Mr. **Bell**. How would you use Federal funds if you had any in this area?

Mr. **De John**. Our concern, as I mentioned before in my remarks, was the fact that we want faculty on the campus because they are familiar with the students. They can address them in a respectful tone and they can receive respect in return and they can foresee problems.

The faculty supervisors who are also good teachers and known by the teachers—in other words, select faculty, they are not just anyone. We feel that it has been our experience that this has cut down greatly the incidents of violence on our campus and it has made our campus livable as a result and now we can concentrate on looking at, or pursuing academic excellence, which we think we have done. But, anyway, to answer your question, we would use this for teacher time, teachers part-time out of the classroom in a supervisor capacity.

Mr. **Bell**. Mr. Dixon.

Mr. **Dixon**. Mr. De John, I think you indicated at San Fernando High School it is your opinion that the gang problem was due to some racial or ethnic conflict?

Mr. **De John**. At our school we had an integrated school and a amount of it certainly was.

Mr. Dixon. Mr. Thompson, would it be your opinion that most, what we call now as a term of art, gang violence, or some term related to that, is the primary motivation for some racial conflict?

Mr. Thompson. Well, it depends upon the school. I am familiar with San Fernando High School. I started teaching in that area. There is a difference. You see, that problem, if I can interpret for Mr. De John, that is an internal problem between groups within the school. If you compare that to Crenshaw High School, 99 percent Black, our problem is not racial and what is coming in to us and our difficulties could not be handled—I would not put one of my 145 teachers at a gate and tell him to meet everyone coming in and confront him because what is coming in off the street is not students and what has to confront a person like this is someone with more authority than a teacher can handle. I have had to dive over my desk with a young man with a gun in his belt. I did not go into teaching or the educational process for this kind of action. I am no police officer. But, when he started to pull it, I had no choice to dive over my desk and we went at it and I am the guy that ended up with it.

But, I am saying that you should not—the kinds of actions that we are facing should not be met by merely a certificated person. We used to have student aides, we used to have students manning the hall. There is no way that I would put a student at a gate. We need different kinds of action.

Mr. Dixon. Let me just press this point, because I want to be clear on it. I think today with the media and we are directing ourselves to gang violence, or juvenile violence which has become a term of art. There is no doubt in my mind that there are some racial conflicts on the integrated campuses, but would you agree with me that what we call juvenile violence, or gang violence in general, has very little to do with racial confrontation?

Mr. Thompson. Yes.

Mr. Dixon. Thank you very much.

Mr. Bell. Thank you very much. I am sorry the time has limited all of our questions. Thank you very much.

Will Dr. Hiawatha Harris come forward and be seated at the table?

Dr. Hiawatha Harris is the coordinator of the Central City Community Health Agency. He also serves as Chairman Elect of the National Council of Community Mental Health Centers. And, he works in conjunction with the Probation Department in handling gang members.

With Dr. Harris are Olivia Mitchell, Dr. Frank Price, Harold Tyiski——

Mr. Harris. He is not here.

Mr. Bell. He is not here—David Brown?

Mr. Harris. He is not here. Rory Kaufman is substituting for him.

Mr. Bell. You may proceed, Dr. Harris, in any way which you would like. Your record here, your statement, will be placed in the record and you can summarize and it would probably be a little better from the time standpoint.

STATEMENT OF HIAWATHA HARRIS, M.D., DIRECTOR, CENTRAL CITY COMMUNITY MENTAL HEALTH FACILITY; ACCOMPANIED BY ROY T. DAWSON, DIRECTOR, COMMUNITY SERVICES CENTRAL CITY COMMUNITY MENTAL HEALTH FACILITY; FRANK T. PRICE, PH. D., BEHAVIOR RESEARCH AND DEVELOPMENT CENTER, UCLA; OLIVIA MITCHELL, DISTRICT ATTORNEY'S YOUTH ADVISORY BOARD; AND RORY KAUFMAN, CAMPUS ADVISORY, URBAN AFFAIRS, LOS ANGELES CITY SCHOOLS, ADVISOR, S.S.S.

Dr. HARRIS. I would like to just depart a little bit from my prepared statement. Something that has not been mentioned at any hearings that I have gone to, and perhaps maybe I can give the committee some suggestions about how to do one particular thing.

No one has mentioned gun control and I think that this might be an entree into gun control legislation. Perhaps it could be tacked on that no juvenile should have a gun and that the adult who sells him a gun, or perhaps procures a gun for him, will have stringent penalties for this and also some kind of penalties for the juvenile that has the gun too, because a lot of these problems would not be problems if there was gun control, some kind of gun control legislation.

The need for a comprehensive approach to youth development is unchallenged. To have such an approach backed by Federal legislation is without question, to the delight of all of those who work and advocate for the needs of children and youth.

The U.S. Government has a necessary stake in the development of its young citizens. Its interest has been positively shown since the enactment of the Social Security Act.

There are no guarantees that the proposed bill H.R. 6265, or any prior legislation, or any future legislation will be the magic answer. However, there is a guarantee that children and youth will continue to experience problems at an even more alarming rate if no bill at all exists.

In this presentation, we have attempted to highlight our feelings and professional opinions on the problems and causes of violence in our community. These opinions are based on personal contact, communications, and programs with children and youth. The results of which will be presented to you have been compiled by a selective group of approximately 20 people who have been working in the community.

The first part of our report will contain the psycho-social aspects of the problems of violence in the schools. The second part will represent a programmatic approach to the juvenile delinquency prevention and the third part will be concerning some items of concern about the legislation itself, H.R. 6265.

The first presentation will be by Dr. Frank Price, Clinical Psychologist, who was the head of the Adult Outpatient-Adult and Adolescent Department, Central City, who is now the head of the Behavioral Research and Development Center. The second part will be presented by Mrs. Olivia Mitchell, who is with the District Attorney's Youth Advisory Board. The third part will be by Mr. Rory Kaufman, who is with the Black Education Commission and the Student Support System of the Black Education Commission and a summary of what we have been trying to do will be presented by Mr. Roy Dawson, who is Chief of Community Services for Central City.

Dr. Price?

Dr. PRICE. There probably exists a multitude of factors that contribute to the problems of violence within our Nation's schools. The factors range from inadequate facilities and funding to poor planning and frequent disrespect for the law. However, for the purpose of this presentation, the focus will be on some of the psycho-social factors which play an extremely important role in developing and perpetuating the social problems that are so prevalent in our schools.

The approach in exploring this area will be to first of all look at the make-up of society in general, and then to focus on the significant element within the youth's more immediate psychosocial environment. Finally, the unique situation of the youth himself will be explored.

Our schools are a microcosm of the society and this is designed to instill societal values and attitudes in children as they move through the system so that upon reaching adulthood they will be able to make an adequate adjustment. This society however, has the component of violence as an integral part of its make-up. It is not difficult to find ample examples of this point. The inhumane war in Vietnam which has been vividly portrayed on the T.V. screen is one particular example. The slavery system in which thousands of individuals of African descent were killed because of a disregard for human dignity is another example. The violence which is so embedded in this society is presented to the children as a regular diet as a result of the audio visual media. An analysis of TV, television, content has repeatedly shown that violence is portrayed in a large percentage of the popular programs. Many researchers have shown that the viewing of such aggressive materials results in the imitation of such behavior on the part of children.

Many of the more popular movies, or those that have the benefit of the most effective publicity campaigns, are extremely violent, or ones in which the taking of another's life, usually vividly portrayed, is done without any expression of emotion or, in some cases, with apparent enjoyment. In other cases, the use of illegal drugs is glorified. Again, children learn a great deal from such movies and such learning is frequently expressed within the classroom setting.

Another psychosocial contributing factor in looking at violence in the schools is prolonged adolescence. Chronologically adulthood is reached at the beginning of adolescence approximately the ages of 11 to 14. But, for all practical purposes this society does not acknowledge adulthood until the youth reaches the ages of 18 through 21. Thus the youth is held in a state of suspended animation during which time he is neither a man nor a child. Many youths will legally be required to remain in school and yet they realize that the educational preparation is inadequate as reflected in the fact that some of the youths from our inner-city schools graduate from high school reading at the 6th grade level or below. Graduating from high school does not always insure the type of job that will provide a livable income. These youths see the hypocrisy and many times the violence that might be a direct result of this perception.

The schools as a primary representative of this society's approaches and attitudes is frequently viewed as a foreign element which has very little relation to some of the basic needs of the community of which it should be an integral part. Schools are usually fenced off and closed to the community, except during school hours. Parents in many cases are alienated from the schools. This sets up a condition in which a tax against the school's property and personnel may become frequent.

The last issue deals with a major attempt to reduce violence in the schools, specifically the installation of security programs. There is perhaps a need for temporary security programs at this time. However, the need is for individuals who are well trained in the areas of adolescent behavior and psychological considerations of human behavior in general.

The community sees the schools as a foreign body. The two entities do not interact with and/or support each other on a broad scale. The ability to assign responsibility for the acts of their children to an outside force, namely the security system, further isolates the schools from the community and increases the probability of vandalism and violence.

The establishment of security programs has been based on the premise that this will eliminate the problem. However, in many cases, it has been observed that force creates force. This may be especially true when other approaches are ignored, such as solving the basic problems or elimination of the basic causal factors.

Miss MITCHELL. The past decade has witnessed the growth of an unusual phenomenon. This phenomenon has been the planning, funding, and implementation of programs based on negative models. These programs have been directed at salvaging, recapturing, or recycling the acting out youth, the antisocial youth, and the offender. These youth have demonstrated both their inability to cope with their own or the dominant culture, and their unwillingness to accept other than criminal means to alleviate their frustrations. These young people, who are our young people, need to be worked with, to be turned around, or helped to define a more meaningful way of relating to their environment.

There are other categories of young people which we have seemingly ignored as we prioritized our needs for services and funding. These are the potential deviants, the average youth, the student leaders. From the first and second groups you get your hard core youth, incorrigible youth, troubled youth or whatever terminology you have for deviance. From the third group you get the tools necessary to redirect groups one and two. However, past programming has directed itself at the negative tip of the iceberg, thus establishing negativism as the proper behavior to receive special benefits and compensation for both youth and adults. This is reflected in programing in and for the community as well as the schools. A prime example is the reallocation of moneys for curriculum needs to security systems. The young people who need learning the most to prevent deliquency, receive less, thus causing more delinquency, more security—in a never ending vicious cycle that leads to the death of our children—spiritually, mentally and physically.

We would like to offer a model for the schools based on one important, but neglected assumption, namely, that schools are for children. Their purpose is to equip our children with the skills necessary for a productive and meaningful life in tomorrow's society. This task cannot be accomplished without a mutual respect for, and knowledge of, the needs of our children and the needs of our community and our society. These elements must be the foundation upon which education rests. They must be equal partners. This does not mean that it has to be an ongoing 50/50 arrangement. In earlier years, it may be necessary to deal with the needs of the child, helping him or her develop an eagerness to learn, a thirst for knowledge, and an ability to reason and listen.

In later years, society's needs may become more dominant as the child is prepared to cope with his or her role, or roles in society. It may appears that we are making the schools the catchall of society. They should be the parents, the police, social workers, holding tanks, and et cetra. The school's response to this definition of their roles and responsibilities will naturally be that "we are educators, we cannot be all things to all people; when we try to be, we fail in our prime responsibility." We acknowledge their frustration. However, we do not agree that book learning is their only responsibility.

Schools are the only institution in this society which has legal access to youth for 5 to 8 hours per day, 5 to 6 days per week, 40 to 52 weeks per year, 12 to 24 plus years per child. Parents do not have this kind of prime time; churches do not; parks do not; police do not. Schools do!

However, they cannot work alone. If there is to be consistency and a shared responsibility for the salvation of our children, we must work together. There must be sincere and joint efforts at planning and implementing comprehensive programs for the school community. The training and skills of the total community must be coordinated and utilized. Proper training in adolescent behavior must be given to the school community. Everyone is not equipped psychologically or educationally to deal with children and with adolescents. We need to acknowledge this point. Young people should be given more responsibility for their education and actions as they continue up the education ladder.

Education is mandatory, but it can be demonstrated that young people know that as well as we do, if not better.

Dr. HARRIS. I recognize the time constraints, Mr. Chairman, and perhaps we can respond to questions because of the time right now.

Mr. BELL. From the committee?

Dr. HARRIS. From the committee, rather than the other presentation. Our presentation is written. If there is any additional information you would like from us, we would be glad to submit that. I had rather respond to some questions because I know some of the things that——

Mr. Bell. We do have a time problem and it might be better if we do.

Let me start off with one quick question. If more Federal dollars were available, how could your program help improve the educational atmosphere in our schools?

Dr. Harris. Well, the first thing I think would be that we want to get a meaningful cooperation with the schools and sometimes the school systems, and rightfully so, might see the community as being an outsider and not really coordinating with them.

The place I would put the money is in setting up a coordinating function, a coordinating body to work with the school system so that we can give our expertise, which of course is growth and development, and a way of dealing with the so-called deviant personality and et cetera, rather than some of the normal modes that we know about. To help improve the school atmosphere.

I do not want to give the impression that we are against safety and we are for violence, or anything like that. We want the schools safe because it represents a continuation of our society also.

Mr. Bell. Dr. Harris, as the morning goes on we are beginning to see quite clearly that no agency alone can deal with the problems of the schools. How has your agency, or group, and those of your panel members, coordinated your findings and activities with regard to schools, the mayor's office, and the police department?

Dr. Harris. I will let Mr. Dawson answer that.

Mr. Dawson. Some of the things that we are trying to do at Central City is to design and construct the kind of program that will bring about a natural coordination and integration of services within our community. We have a child advocacy program, which was designed to work directly in schools advocating for the needs of young people. We have constructed a mechanism whereby we have brought together the representatives of the welfare departments, the education system, police and probation departments, the community recreation and parks departments. All of these institutions we feel have natural involvement with the lives of young people and we are trying to create a mechanism whereby they can be aware of the needs of young people and that they can do some coordinative planning.

Now, this is a voluntary kind of participation in this mechanism we have put together. It is voluntary primarily because no piece of legislation statutes or ordinance exists in the city of Los Angeles demanding that kind of participation on the part of young people. We have, with the board of education, received approximately $15,000 to put on a program which we called the anti-self-destruction. Now, this program works directly with young people who are manifesting some kind of self destructive behavior, gangs for example, youngsters who are at risk. We have people work worked directly with those doing the kind of counseling, talking the kind of language they understand. Now, this is funded by the board of education and also the Greater Los Angeles community action program, which is run by both the city and county of Los Angeles.

Mr. KAUFMAN. May I add something to that, please?

Mr. BELL. Yes.

Mr. KAUFMAN. First of all, I am going to make a very unpopular comment, but this is 1974, March. Some of us are sitting at this table realizing that what is know as the gang violence activity was starting in the latter part of 1970 after the destruction of those programs which were at that time very heavily funded by Federal programs, No. 1, and State or local and, No. 2, by those groups in our black community in which we are trying to instill self pride and self distinction among young people. This is 1974 and we have had a series of killings, which you have probably heard from various other persons, and deaths and woundings and stabbings and teachers hopping over fences and et cetera.

I am just glad to know that in 1974 we are finally getting to it and hopefully we can get some legislation by 1976, which will actually deal with the problem at hand, since we are losing a lot of young people.

But, I would like to add along with Mr. Dawson that along with the student support—I also work with urban affairs as a consultant, as Dr. Johnston spoke of. We have seen some things out there which we have attempted to coordinate with no money whatsoever. Acquanetta Harrison, the young lady you just spoke to, was the vice chairman of that organization. There are young people out there attempting to, through peer pressure and just sheer guts and devotion to the community school, attempting to do something that is taking agencies and governmental groups a long time to recognize as a serious problem.

And, I would just hope that as Miss Mitchell, before, we will get to the business at hand. One of the gentlemen mentioned reading scores. It is amazing how we can talk about gang members with low reading scores, but some of our gang members, unfortunately, have high reading scores, the ability to compute math analysis in certain causes, but yet they were alienated from the entire school system, and I think we should take a closer look at that.

That is my response.

Mr. BELL. Did someone else want to comment?

[No response.]

Mr. BELL. I think we should say that we are moving in this direction trying to do something about this problem. However, there have been other contributions from the Federal Government that should have been used to alleviate this problem, but have not been.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. We are certainly delighted to hear some witnesses for a change come before us and tell us about doing something in terms of coping with the causes of the problem, rather than heavy handedly swooping down on some of the people who have been involved in some of the tragedies that have been pointed out. I want to commend them on an excellent statement and I would like to see us have more witnesses come in and talk about the kind of coordinative programs that deal with all of the problems that result in kids becoming delinquent.

I would like to ask Dr. Price if he would elaborate on the statement that was made on page 5 where you say that despite the presence of security personnel and security devices, that is, identification cards, locked doors and gates, the atmosphere of the school does not reflect the feeling of security. That is the second paragraph.

Miss **Mitchell.** Dr. Price wants to dump it on me because I wrote it. [Laughter.]

One of the things that we are also a coalition of other than the agencies and disciplinary and all of that kind of stuff: is that we are also a coalition of different levels of experience too. Roy and I, maybe, more than the other members of the panel, have been involved directly with the schools and dealing with the students and dealing with the parents. The whole feeling of security as reflected by students themselves and some teachers is that it does not make the schools secure. There are, and Mr. Green addressed himself to it, there are three levels of security at the schools, security personnel at the schools. There are security agents who are trained persons who carry weapons, there are security aides who assist them and work in that capacity, and there are campus safety aides which can be parents, or past graduates of the high school.

Now, the first category of persons trained for some period of time at the sheriff's academy. The second and third categories are less trained and we feel that all of these together are not trained well enough to deal with the student population as they see them, as the young people see them and as the teachers see them. So, there is a feeling among the staff and the students that if you have a real problem, whatever that means, you should call the police. That is, they do not turn to the security force or see the security force as creating a safe school, whether there is a problems at the school or an anticipated problem, these students do not show up, or they do not feel that the security force can really protect them from whatever it is that they want to be protected from.

Dr. **Harris.** And then that in turn is what she is talking about that if for instance you have a Congressman and they hire, as they do, congressional aides and et cetera, then when something needs to be done that relates to Congress they call an outside agency in to help you to do your job, or even to do your job, then your ability to function in the eyes of the students is so much reduced that you become ineffective because the only thing the students look at you and say as soon as we do something you are going to call somebody else, you cannot handle it yourself. And, this is the situation we are talking about.

Now, a lot of money is spent, $2.2 million, for broken windows. If an attempt is made as it was in our agency and we just moved into a $5 million structure and have not had anything happen to it. It is because we have incorporated the people in our community into our structure and those people protect us. Sure, we have security people, but the security is more of a helping group than it is anything else. The kids themselves are involved in it, the so-called gangs. The gang members only represent those people who have been alienated and have nowhere else to go, so they band together to try and get their manhood. This manhood is represented in this particular gang.

Mr. Bell. Thank you.

Mr. Dixon.

Mr. Dixon. Just one question. Earlier, Dr. Harris, Superintendent Jonston indicated that there were some 76 students expelled from school. He pointed out that they had no legal responsibility for them. I am wondering if Central City has the capacity, with the proper funding, to develop a program for that type of situation?

Dr. Harris. Of course. We are doing something even without the funding, even now. I do not think the law says they don't have the responsibility for the cases they expell. I think the welfare code states that a child is still someone's responsibility, but the school, maybe not. We have the program—the money—and of course we try to develop a program for the child who has been put out of school. There are other ways in which they expell them.

Mr. Dixon. Right.

Dr. Harris. There is the medical way where the doctor says, and they send them home without contacting the parents and et cetera and they never come back.

I would like to suggest that any sort of program, as far as prevention is concerned, not only deal with the delinquent, the one that gets into the juvenile system, but also with those that do not get into the system because the situation in our community now is almost that the only way you can get any employment, any recognition, is to become deviant. Those kids who are making it in school, who are getting the grades in school that Sid Thompson doesn't have any difficulty with, get no jobs, nothing else. You know, the Neighborhood Youth Corps is one example of that. You have ot be a copout in order to get hooked up in the Neighborhood Youth Corps.

What does that tell the kid that has to go to school everyday? The other thing is that the criminal justice system creates the same kind of atomsphere in their penal institutions. If you go to the CYA or the Camp, you find areas of turf that are still "cribs," still "brims," still "outlaws," or still whatever the Chicago groups are, and there is no effort at all to change that particular situation.

So, they are "cribbing" and "brimming" in the joint and they come back out on the street and they learn how to do it better.

Mr. Kaufman. I would like to say something just very briefly. When most people talk about gangs in Los Angeles they are talking about the barrios and east Los Angeles, or they are talking about inner city, but it is something through the efforts of urban affairs that we have gone out to serve the outlying areas and one of the gentlemen in the past mentioned something about racial problems. It seems to me that our society and our educational system is a reflection on our society and it seems to me that as of the antibusing amendment and a few other things that have passed recently, that our society is looking at whatever can a young person do in terms of a preparation for a better life and a successful life. Because, the educational system says that one of its goals is to prepare students to be good citizens and carry on the heritage of the great country, or the nation, or whatever the situation is. The point is very simple, though. The valley will have problems and west Los Angeles will have problems and some of our expulsions, by the way, have not been just inner city, but outlying schools which have mixed or integrated populations. And, I think before too long we should start dealing with people in other communities where other young people, minorities in the school and things of that nature so that we can have a total school district that can deal with quality of education for all.

A point another gentleman made about the teachers, we have quality teachers and we have some teachers, as Miss Mitchell said, that should not even be teaching. There are some administrators that are excellent and some administrators that should not be behind a desk.

And, like Mr. Thompson said, because I dove behind the same bush he dove behind one time, we have our problems out there but they can be handled in terms of coordinated effort. But, not in terms of just picking people up off of the streets, and having helicopters swoop down on people night and day. That does not cure any problems of our young people.

Mr. DAWSON. Mr. Chairman, I would like to make a point in regards to H.R. 6265, if I might.

In my review, the research I was doing, I came over a piece of material that talked about the national strategy for juvenile delinquency prevention and I tried to relate that to H.R. 6265 and in H.R. 6265 it talks about creating one single entity that would be responsible for juvenile delinquency programs and I think that that is one very important aspect that must be in the bill, or any kind of juvenile delinquency legislation that is going to be effective. One thing that we find as we relate to the attempt to design programs that is going to affect young people, and relate that to the way that moneys or revenue is allocated to State programs, usually we have different levels of political entities. We have the State, the mayor, and other political levels and as the moneys come to these for juvenile delinquency programs, we find that this places those politicians directly at the head of the delinquency program, they have a great deal to say about how the money is going to be spent within their political jurisdiction. Unless we have some kind of legislation that is going to mandate the coordination and integration of juvenile delinquency programs and services, we are going to have the same kind of thing that we are forced to concern ourselves with now. As I mentioned earlier, that is voluntary participation on the part of various agencies who relate to young people. If we can be sure that this will be spoken to in the juvenile delinquency prevention bill, it will do a great deal of positive things to help us who are working and making some attempt to do some good things for young people.

Mr. BELL. I gather from that that you also believe that it should be better coordinated?

Mr. DAWSON. There has to be a better coordinated effort.

Mr. BELL. It is rather scattered, in other words?

Mr. DAWSON. Mr. Johnston said that the youngsters are expelled from school and then they have no legal responsibility for them thereafter. Where does he go? We find that he goes into the criminal justice system, or that he ends up in our house, the mental health system, so that the youngster must go somewhere and unless that system that picks him up has some understanding of what has caused him to come to that system that he originated from, and has designed some kind of coordinated program to help him in some kind of habilitative or rehabilitative program, then we have the same cycle going.

Mr. CLAY. May I ask a question?

Mr. BELL. Yes.

Mr. CLAY. H.R. 6265 says in section 6, page 8, "Provides that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the State plan."

Now, if the mayor would designate you as the person to develop the plan for the local agency here, how would you go about it?

Mr. DAWSON. The local agency?

Mr. CLAY. Yes, the local coordinating agency.

Dr. HARRIS. If you were the coordinator what would you do?

Mr. DAWSON. If I were that coordinator, I would make myself a high salary.

[Laughter.]

Mr. DAWSON. The things that must be considered, sir, primarily I feel, is that we have to come up with a new approach in providing services for juveniles. I think that that approach would include a combination of probably a citizens approach to the provision of services, and, then, probably an institutional approach to the provision of services. No. 1, being the institutional approach, which says to us what and how youngsters are to behave in our society. Second, the citizen's approach would be how can we best go about gleaning that behavior and so on. That would probably be the kind of programmatic approach that I would use. I would make it mandatory for all agencies, organizations, that have anything to do with the youngster's life at any point in time to be included in —to be included in—and become a part of statutes and local ordinances.

The chief of the police department, the school board, for example, who are legally incorporated, or instituted, and answer to no one other than themselves, so that the mayor's office is forced to go down and either conciliate or mediate with them to get some things done, which means if they want to do them, they can do them; if not, they do not have to.

So, I would want to come up with some kind of legal mechanism whereby all of these agencies would have to work in a coordinated and integrated capacity. Which means that there would be one agency. We are talking about, at the county level. There would be one agency at the county level that would be responsible for providing juvenile delinquency service within the county and within the city.

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Mr. Clay. Are you talking about one super agency that would mandate that all of these other existing agencies cooperate, or are you talking about——

Mr. Dawson. I am talking about one piece of legislation that would mandate that all of these local agencies cooperate and probably one agency where the administrative responsibility would be possibly at the State level.

Mr. Clay. Are we talking about a new agency, or are we talking about in the justice end, or probation, or school board; who would administer, who would you recommend administer the program?

Mr. Dawson. Well, I am not certain who I would recommend administer such a program. Maybe the criminal justice system and I do kind of believe the criminal justice system has the potential to be the superagency that can make a lot of effective changes in juvenile delinquency prevention.

I think that they are also in a position because of the nature of the activities and the scope of authority that has been given to them that they can make some changes in the general use of society, or the use of society in general.

Now, they may be the most likely agency at this time.

Mr. Clay. Thank you.

Dr. Harris. Congressman, Dr. Price would like to respond to that. He is bucking for the job too.

[Laughter.]

Mr. Price. Mr. Dawson was speaking at an organizational level, which is extremely important. I would like to also point out to a few things that would be important at a programmatic level, if such funds were to come available.

I have many concerns about some basic premises of learning within the school system. Because, many schools are designed today in such a way that they are actually anti-aesthetical to learning. We know, for example, that learning takes place best if it occurs if the individual has some involvement in the process. And, secondly, if he realizes the extreme importance of it. I think at this time there is some confusion as to what the ultimate goals of what the educational curriculum should be, and I think that this is being communicated to the students in many ways. Thirdly, the student has to feel that whatever that school system is belongs to him. I feel that a fourth factor is that many of the schools today look very, very rigid and restricted. We know that learning takes place in more of a free kind of environment, when a student is actually able to explore what there is around him to learn. The emphasis is placed, sometimes it seems, on restricting this kind of movement so I would like to see some of these things added in at a slow rate so that things don't get out of hand.

Dr. Harris. I think the person who heads this should be a person who is skilled and specially trained in human development. Prevention should begin before the child is conceived and human development kinds of things, if we provide the correct atmosphere for people to love, work, and play; we would not have that kind of worry about prevention. That is the thing. We have to change the environment, rather than creating another super agency. If you create another super agency then the only thing you have is more people, and more people not getting the service because the money is going to bureaucracy and no money would get down to the services.

Mr. **Bell.** Dr. Harris, I know we have talked all around this, but could you give, in a nutshell, what you think contributes to a student wanting to be disruptive?

Dr. **Harris.** Well, disruption, from a psychological standpoint— let me just comment on vandalism, for instance.

I do not feel vandalism in itself is an anger toward the schools. I view vandalism as the means by which the particular alienated child finds to express himself about wanting to be loved. It is like the child who steals from his parents. He is really in a dynamic sense trying to grab love. The child who is trying to destroy the institution through the vandalistic approach is trying to tell that institution that:

> You have to love me, you have to relate to me and give to me what it is I need, and at the same time provide the kind of structure that I need.

Of course, you need law and order approaches, but you also need the humanistic approach too. That is essentially what the whole disruptive thing is. Disruption is more of a means of trying to get attention to service my needs.

Miss **Mitchell.** I think that I would not want us to close without mentioning the one component that often comes under fire when we talk about youthful violence and vandalism. That is the poor parents. We have not talked about them although we have addressed then in our testimony. I do not want anyone to think that we have overlooked them. One of the things that we are saying when we talk about youth development and we talk about programs in school and responsibility in the educational system is also responsibility to teach parenthood. We see that as paramount. We have not taught young people how to be parents.

Our experience with gang members is that many of the gang member's parents are very young and they themselves are still children even though they are 35, 36, and 37 years old, because they have not had an opportunity to grow up, to develop those kinds of parenthood skills that you need. If you do not have a parent, you cannot be a good parent and it goes on and on and on. We have to find a methodism to stop that cycle. You have to deal with parents where they are now and you have to try and develop in our young people an ability to be parents, to sacrifice, to love, to discipline, and direct. We cannot at this point, I do not feel, indict people that we have not taught these basic skills to.

Mr. **Bell.** Do you think that the university students or those that are in college contribute to this?

Miss **Mitchell.** Contribute to what?

Mr. **Bell.** Contribute to teaching the youngsters not to—discouraging the youngsters from doing what they are doing by their own example. Has the fact that they are university students, that they have made their academic career, or at least have gotten further along in it, discouraged the youngster in high school from being disruptive?

Dr. PRICE. As an assistant professor at UCLA, I sponsor a very unique program in which students from UCLA do go into many community placements. Some of the local high schools and Central City and some other organizations, and they work as sort of peer counselors in providing academic career counseling and also some fairly light-weight emotional counseling when this is necessary.

The reports that we have gotten back from the school personnel and the students themselves is that it has been a very effective program. It has just been instituted and therefore we do not have any reliable objective measurements.

Mr. DAWSON. Being now—I will be as of this week—an instructor in youth development at Southwest College in Los Angeles. One thing is some of the young people I work with, some of them go to the university and colleges there. We found it to be an asset because it enabled the young people to see some who had come up in a negative way, been in gangs and had gone to college and been examples and have come back to the community and actually live in the communities themselves and work with the young people. That is only a part of the whole total situation. It is kind of hard for a university student to be dealing with a young person who is 4 years older than they are and they are still in gangs too. You should take that into consideration. But, I agree with Dr. Price that that is an important component. Some of the young people, just on the streets are attempting to make it day-by-day in society, also have been a tremendous help because we utilize their resources too in Central City and other programs we work with.

Mr. BELL. Thank you.

To what extent do you think the dropouts have been involved in the crimes in the schools? Is that a sizeable contribution?

Miss MITCHELL. I think so and I think that we would want to add another term. The pushouts as well as the dropouts, those young people who have been pushed out of school by reason of the inability of many of the people to deal with them in other than the confrontation mode. You have got a 13 or 14 year old who is now 6, three whom you want to treat as a child, but who sees themselves as a man 1 minute and a child the next minute. Their inability to cope with him has told him that there is something the matter with him and that is not so, he is going through a natural period. But, a lot of the kids who leave the ninth grade never make it to the 10th grade and no one ever tries to find out what happened to them. Young people, until they are around 18 or 19 years old, relate to the school. Either they go to it, or stand out in front of it. Everyone who is their age is in the school or standing in front of the school. It is not until you get older that you develop new places to hang out at. So, some kinds of new programs need to be developed at the schools, or near the schools. We feel strongly that the school needs to develop these kinds of programs for their suspended students, for their expelled students, for their disruptive students, because the school is it in terms of many of their experiences.

Mr. BELL. Well, thank you, Dr. Harris, for you and your panel members' very, very fine testimony and information that you have given the committee. It will be very helpful.

Dr. HARRIS. Thank you.

Mr. BELL. The committee is now adjourned until 1:45 this afternoon.

[Whereupon, the hearing in the above-entitled matter was adjourned to reconvene at 1:45 p.m. that same day.]

AFTERNOON SESSION

Mr. BELL. The meeting will please come to order.

I note for the record that the testimony of the child youth and parent counseling by Mrs. Burton Siser will be submitted for the record. She will not testify. The statement for the record for Mrs. Violet Shapiro, ACSW, executive director, of the Counsel of Jewish Women of Los Angeles, will be submitted for the record and she will not testify. Dr. James A. Bush, assistant professor of the Department of Psychiatry, Human Behavior; and Charles R. Drew, post graduate medical school, they will submit for the record their statements.

Thank you for coming and listening.

Our first witness is Mr. Fernando Morales and he has not arrived yet. But, we would be pleased to hear from Mike Durant of the Los Angeles county youth programs.

Mr. Durant, do you a statement to read?

Mr. DURANT. A couple of statements.

Mr. BELL. They will be taken into the record if you want and you can either read them or summarize them.

Mr. DURANT. I will read them, and I left some written material there for you.

Mr. BELL. All right.

STATEMENT OF MIKE DURANT, LOS ANGELES COUNTY YOUTH PROGRAMS

Mr. DURANT. I will make this presentation in two parts. I am bringing you greetings from Mr. Burton Powell who is the director of the Los Angeles County Department of Community Services.

The Department of Community Services is a delinquency prevention agency of the Los Angeles county. We sincerely appreciate the invitation to make a presentation at this hearing. Mr. Durant—that is me—will be our spokesman and will elaborate upon the materials attached and will respond to your questions.

The statements of our goals and objectives, our youth group, gang work proposals, and a synopsis of our accomplishments to tell you where we are and what we do.

In this covering letter I want to indicate what I think needs to be done additionally to enable all of us to become more effective in reducing youth violence and criminal activity.

Mr. BELL. Mr. Durant, you do not have any extra copies of your statement, do you?

Mr. DURANT. I put it in front of you. What I am reading now is what I put in front of you.

Mr. BELL. Is it signed by Burton Powell?

Mr. DURANT. Yes. I am reading his greetings.

First and foremost, delinquency prevention must be made a mandatory service to local government such as the county. This is necessary to provide parity with other mandatory governmental services in competition for the tax dollar.

Second, deliquency prevention should be housed in an agency of its own such as—it should not be centered in a specialized program, such as probation, welfare, or recreation. These agencies and many others have a real stake in prevention and make significant contributions to the field. But, delinquency prevention and the essential community involvement therein is a unique function requiring a focus, methodology, staffing pattern and arrangement of programing that could not be fully developed and implemented as a part of a specialized organization.

Third, interagency planning and programing mechanisms should be established at the local level, county, to provide a systematic coordinated approach to the problem and develop a rational rather than a competitive approach to the development of needed resources, to set priorities for contracting for services, to provide recommendations pertaining to the apportionment of revenue sharing funds, to sponsor interagency training programs, to provide a clearing house of information, and to do cost-effectiveness studies.

There is a limit to the amount of taxes and private contributions that people will pay. We cannot afford, nor should we want to add new programs on top of the old agencies. We face the reality that the time has come to make hard business-like decisions. Specifically, we need to shift our spending priorities from the established costly programs that have not solved that problem and use those moneys for a massive delinquency prevention effort.

I realize these suggestions focus upon the local level of government and are, therefore, outside of the direct authority of the Congress. Nevertheless, the Federal Government can exercise great influence and provide encouragement for local jurisdictions to move in the directions that I have suggested.

Very truly yours, Burton Powell, director.

Mr. **Bell**. Thank you very much, Mr. Durant. You mentioned in your statement, I believe, that you should not establish a headquarters for your program in a recreational area; is that right?

Mr. **Durant**. Yes.

Mr. **Bell**. Why do you feel that is important?

Mr. **Durant**. We feel a particular need to coordinate all of the programing that has to do specifically with youth group problems. We are changing it from gangs to youth group problems because we feel that gangs, as we see it today, are more or less restricted in the minds of most people to blacks and brown communities. We feel that it is an overall community problem and therefore it should be treated as such. Recreation is a specialty as well as other departments. They only focus on a particular section of a young person. We expect that if we could put it somewhat on what we are into right now, in the hands of a youth group services division, we could actually specialize in the problems of youth in attending to things.

Mr. Bell. But, your interest is to get them together and get them associating in a better atmosphere of recreation.

Mr. Durant. Well, in most instances even now there is only two departments that are mandated to work on delinquency prevention problems. And, that is the sheriff's department and the probation department. As of the beginning of this year the recreation department as well as the department of Human Resources has not been given that mandate.

Again, the problem of recreation, or giving recreation to young people is only one small part of meeting the needs.

Mr. Bell. You stress the need for agencies to coordinate activities in facing the problems of school violence. Can you describe what your program has done to coordinate with other agencies, such as the schools and the mayor's office, and so forth?

Mr. Durant. Yes, I would be glad to.

I just happen to have some stuff here.

Mr. Bell. OK.

Mr. Durant. This is a quick report that was given to me by one of my field workers on the program achievement for the division at this point. It has to do with involvement in schools because I think we were attending that problem this morning.

One of the main priorities of our workers in conjunction with other agency staff is to provide services in three of the secondary schools in the east Los Angeles area, including Lincoln High School, Garfield High School, and Stephenson Junior High School.

The approach to the delivery of services may be designated into two general areas and they include (1) individual case referrals of students from teachers and administrators who have continuous behavior problems; workshops with school staff to increase their awareness and understanding and how to more effectively work with gang oriented youth; barrio classes, one or two representatives from each gang meeting every 2 weeks to discuss growing friction between gangs.

The object of these classes would be to prevent bad looks and words from growing into gang violence. A general community network with administration and key people in the community who have demonstrated that they can effectively deal with the youth when gang violence is becoming imminent. This is just a small report that one of the workers sent in to me today with respect to what he is into right at this point.

Mr. Bell. Those barrio classes, I guess you call them——

Mr. Durant. Barrio classes, yes.

Mr. Bell. Do you bring together sort of the leaders of the gangs, is that also the basic reason?

Mr. Durant. Yes.

Let me—if you don't mind, I would like to go into some of the things that were prepared with other people and I think that it will shed some light on it.

The department of community services has had a pilot project in east Los Angeles for the past 2 years. The objective here was to hire, train, and then put community adults in areas having heavy gang type concentrations. The workers deal on a team basis with groups and individuals. They are not assigned to any one group. They move around among ten gang groups. Service includes counseling with problems affecting the youth in the home and the streets. More directly, the young persons are aided in finding jobs, or getting back to school.

The school scene is generally the most difficult situation at this time for the worker, the youth and the school personnel. At times the worker has found himself unable to cope with the teacher, or school administrator who has made up his mind that a youngster will not be allowed to return to school. He makes his decision based on several valid and rational reasons. The juvenile belongs to a violent gang, he makes no attempt to be a part of the student body, he does not want to learn, he has threatened a teacher, he is sullen and resentful, not willing to take corrective counseling, he is tardy, unexcused, and he is absent, unexcused, he asked to be dropped from school, he has a police record as well as a juvenile court record, he has just returned from forestry camp, his probation officer is making no real effort to get the boy back in school, the boy's parents refuse to involve themselves in the matter.

The school adminstrator asks the question of the worker, "What makes you think this guy really wants to come back to school?" He follows with, "What makes you think he will follow through on his commitment if we do allow him to reenroll?" And, "Do you have permission from his parents to be here in his behalf?" "You know damned well one rotten apple can spoil the barrel." "Don't you think he would be better off at Jackson High School?"

Jackson High School is the school for socially retarded youngsters. The worker, to some extent, has come to the school principal hat in hand with the youngster hoping to be of service to the youngster. He realizes that the principal is right on all counts. The reputation of the boy is set in cement. No one, not even the youngsters, can guarantee acceptable behavior. To offset the above scene, the workers are now meeting on a regular basis with youth in the streets and then also the school faculty and administration.

The workers are attempting to teach the teachers about life in the barrios, what has conditioned the youngster not to accept education as the number one priority in life.

School and education, if they do indeed go hand in hand, are not budgeted priorities. They were not for their parents or their parents before them. The reasons are clear sometimes at least from the sociological point of view and rather obscure at other times. The acceptance of the school administration onto "their" schools in an effort to resolve problems, work on crisis situations and prevent volence is a basic and reasonable way to work with the problem of violence in the schools today.

The team approach wherein the community accepts the school as part of the community and the school accepts the community as part of the school has got to be one of the best answers to our problems in the school today.

End of editorial.

Mr. Bell. Thank you.

I would like to introduce, also, at this time, Mr. Fernando Morales. Mr. Morales is the deputy director of the human relations department of the city of Los Angeles. Among his many activities he is developing a federally funded community youth services project to work with hard-core juveniles and a Los Angeles project on gang violence problems in east Los Angeles.

Mr. Morales, Mr. Durant has just testified and has been asked some question. So, if you would like to give some testimany, we would be happy to hear from you at this time.

STATEMENT OF FERNANDO MORALES, DEPUTY DIRECTOR, HUMAN RELATIONS DEPARTMENT, CITY OF LOS ANGELES

Mr. **MORALES.** I feel very much the same that Mike Durant feels and we have discussed this many times. I do not want to go into the same thing that he has. But, I think the most important thing is the acceptance of the school by the community. Now, my first-hand experience in incidents that have happened in the school is the resistance of the schools to accept the school advisory counsels, or a lot of the complaints that the resident and kids of the school have.

I would like to point out where there was a great problem between one community and another because of the, I guess, redistricting at that point. And, the changes that they did in the school system. One community had to attend a new school in the area and at this point there was a lot of conflict between certain gangs. We have many gangs in East Los Angeles. I am referring to east Los Angeles that I am speaking about. Now, there was a lot of gang fights going on in school and out of the school. When we went in to investigate the problem we found the administration very much involved with the problem. Their attitude was very resistant to the demands of the youth and the community. We found the lack of one community involvement in the advisory council totally. They were totally left out.

Mr. **BELL.** They were totally what?

Mr. **MORALES.** Totally left out from participation in the advisory council.

The attitude of the boy's vice president at this point, as other youths told us, he would pit one group against the other, "Don't let yourself get hurt from this other group, fight back or they are going to take over and beat you up."

Now, this we have proof of and this is happening right in our own schools. That is why I say that the lack of the schools themselves in accepting what the community wants is one of the basic problems. There is one example right now at Magnolia School where the advisory council had some gripes and they asked the principal to sit in and discuss these gripes and he would not sit in so the problems got a little bigger. I think now they are being taken care of. But, it reached all the way to the superintendent of schools. It could have just been taken care of it he had met with them. So, this resistance is one of the big problems I see which result in frustrations and conflicts with the youth and who do they take it out on except each other.

One of the greatest problem I feel is employment. We need some after school employment. I think that many of the studies that have been conducted in the NRA is that 50 percent of the problems is in jobs, money. People need money for food, clothing. They like to take their girl friends out, to enjoy some of the nicer things that life has to offer, not just be in poverty all of the time. So, some after school employment would be great. I think the summer employment projects are good, but they are just for the summer, they are not all year round. This would help for them to buy their school rings and their class sweaters and be a part of what the school has to offer. Also, there should be a lot more involvement in the school from the students. Somehow the youth gangs are the ones that are very alienated. People are afraid of them. There has to be some way where we can go and penetrate, communicate. The ones that can are the ones that have been raised in there like ourselves who at one time or another were a part of a gang.

But, I guess some of our abilities to be able to penetrate and communicate was what got us through, but not everyone has it. In east Los Angeles you need a better cultural educational program. People are tired of hearing about George Washington and Abraham Lincoln. They want to hear a little bit about who was a great Mexican American, or Mexican General, or President, or what the contribution of the Mexican American Community is to the society. There are many. We do not hear about that. This identification process is very important and this also brings out the pride and respect of the people in the area.

Mr. BELL. Thank you.

Mr. Hawkins.

Mr. HAWKINS. Mr. Durant and Mr. Morales, I certainly want to thank you for your testimony. It has been most helpful and constructive. It is my understanding that you are indicating that there is very little communication between school people and members of the gang groups.

Mr. MORALES. That's right.

Mr. HAWKINS. There is, in your opinion, no real systematic effort being made by the schools to reach those who are members——

Mr. MORALES. Absolutely.

Mr. BELL [continuing]. Or likely to become members of gang activities?

Mr. MORALES. Yes. I see no real effort being made at all.

Mr. HAWKINS. What do you consider to be a more specific way in which this can be brought about? Is it through the curriculum, or through some type of after school activity, or through employment which is somewhat related to the schools. Can you give us some specific things which you think we at the federal level could do in order to bring about this close communication? In view of the fact that the schools have their local control approach and the Federal Government, obviously, does not in any way attempt to interfere with that local control, do you envision in any way in which we, at the Federal level, could be of some assistance in encouraging such activities that would bring about this closer communication?

Mr. MORALES. Yes, I do. I feel that a program for school employment, or after school employment year around would be a great assistance. I think some of the research done on youth gangs has been the result that half of their problems were licked, or taken care of when they had a job. So, after school employment is one phase the Federal Government could be involved in. I think more counseling, or better counselors in the school to work directly with the youth, or groups there, so that they can have a better, let's say, counseling from them and see more directly what their immediate needs are per individual.

Mr. HAWKINS. Would you consider the Neighborhood Youth Corps, an all year-around Neighborhood Youth Corps, as a possible approach, assuming that we could expand that concept?

Mr. MORALES. Yes, sir. I do.

Mr. HAWKINS. Would that be acceptable as an employment program provided that it was responded to?

Mr. MORALES. Yes, I believe so.

Mr. HAWKINS. Would you consider that some of the schools, at least at the present time, are encouraging young people to drop out of school, that they constitute really pushouts instead of dropouts?

Mr. MORALES. Yes.

Mr. HAWKINS. And are many of these dropouts pushouts?

Mr. DURANT. In 1943 I was pushed out of high school. I was a good student, but I was also involved in extracurricular activities around my own neighborhood. Like I said, I did not have my time budgeted for school. I was a disciplinary problem. But, I just was not interested and did not feel that I was a part of anything that the school had to offer. As a consequence, when I turned 16, I made noises like I wanted to quit school and they practically walked me to the door and said, "Goodby." This is 1943 and in 1974 the same thing is happening. Sure, if you even smack of being something that is antiestablishment, belonging to a fraternity, which is another name for a gang, you are asked to leave.

Mr. HAWKINS. May I ask this question also of either Mr. Durant or Mr. Morales? I would like the reaction of both of you. Obviously there is a family situation involved in most instances when we speak of employment for the youth. Is it also true that many of these gang members come from homes in which the head of the family does not have employment? How do we make a distinction between a program to get jobs for young people or jobs for the parents? If we had to make that choice, just how would we decide whether we were going to concentrate on getting jobs for the parents, primarily for the young people? Would that type of approach still leave that family in the situation where if the family itself is not kept together, we would still have a problem? Do I make myself clear?

Mr. DURANT. You sure do. You are asking whether our priorities ought to be set at the head of the household level, or at the level of the young person. At this point, of course, we are supposed to be, I suppose, talking about young people. But, you are absolutely right. If the father is not working and there is one job and we give it to the kid, that is going to kind of ruin, in the eyes of the kid, the father figure.

Mr. HAWKINS. Would you object to any approach in the field of so-called manpower that would make a distinction or cause local officials to have to make that choice?

Mr. DURANT. I think we can work both concurrently. I have been in the field, in the manpower field. Some of the people we have working for us right now on the program are people that could not get jobs before, and, when placed in a training capacity, have evolved as bread-winners as far as the family is concerned, and then good examples of what a community person should be.

Past that, when we get to a kid that has possibly been to Forrestry Camp and who is now an adjudicated juvenile delinquent, well, the person who has gone to Forrestry Camp has learned a great deal with regard to discipline and proper behavior and the next step, when he returns to the community, should be his choice of going back into the education field, or the opportunity to be given a job, or if there are not any jobs in private industry, but there are like the NYC program, wherein a young person could be put in—now, if he wants both the NYC job, which is $1.60 an hour and the educational opportunity, then he should be given that opportunity. I think also that in terms of the determination where to spend your money, I do not think that it should be left up to the local politicians. I think that the agencies that are in existence and have shown the ability to—you know—run programs, they should be the ones to decide in which direction to spend that money and how much of it gets down to the community people and how much stays on top.

Mr. HAWKINS. What is it that the gangs provide that the youngster does not find at home or in the schools. Why does he, in the first instance, have the desire to join the gang?

Mr. DURANT. I think that it provides the same thing that a person who goes to UCLA, or UC, a fraternity, a group of people like himself. Well, everything is there for a gang kid from love to wine to dope, good times, if that is what he is looking for. Whether it is a positive situation or negative situation, he is going to find comradery there and a person that will take care of his back if the need arises.

For the most part his gang members are nonjudgemental. The gang itself is rather choosy about who they allow to come into the gang as it is. They do not allow just anybody. The guy has to have some type of ability. Smart is one of them.

Mr. HAWKINS. Do you think that police or law enforcement officials and school officials should attempt to work with gangs, as a matter of reality, or should they attempt to break up such activity and drive them underground?

Mr. DURANT. I think they should try to really work more with the youth. I think for a long time they have been trying to break them up and they have not been able to do it. They have had gangs out there for over a hundred years and they will always be, as far as we see it. Now, they should try and work with them, but they really don't. They more or less go in there and try to break them up and arret them and take advantage of them.

Many times they also pit one gang against another.

Mr. **Hawkins.** But, do you think it is possible to work with gangs and bring them into more constructive behavior?

Mr. **Durant.** Certainly, very possible.

Mr. **Hawkins.** I have no further questions at this time.

Mr. **Bell.** To followup on Congressman Hawkins' question, do the gangs that you speak of have a structure, generally speaking—a hard and fast structure like a leader of some sort and another person is an assistant and so forth? Do they have a pretty well structured gang, or are they just sort of loosely knit with no particular leadership, just sort of a comradery together?

Mr. **Morales.** They are more loosely knit, they are not really structured. I think that if you go in there and try to remove a leader you would see another one emerge and that is what will happen.

Mr. **Bell.** If you try to change one of the leaders, make him——

Mr. **Morales.** Make him away from what he is there?

Mr. **Bell.** There will be another one?

Mr. **Morales.** There will just be another one.

Mr. **Durant.** Excuse me. The leadership is a situational leadership. Some kids dearly love to fight, so if there is going to be a fight generally he will emerge as the person that leads that fight. They also like to socialize. There is always a leader who knows where the parties are going to be at, and as a consequence that makes him a leader of the social life. If there are truce meetings between gangs, some guys might evolve as a leader and sits between the gangs. He is not really the leader of the gang. The gang leader is possibly the strongest dude, if you want to call him that, and he might be sitting looking out the window, but the guy who is sitting there talking, probably does not have that much pull, but this guy is pulling the button on this particular guy over here. You never really know who the leader is until you have spent a lot of time in there with them. Like I say, it is a situational situation that brings out the leadership.

Mr. **Bell.** You spoke a moment ago about being pushed out of the school, dropping out or being pushed out. What happens to a youngster, a constant disrupter, a troublemaker, if you will, when they finally push him out, or he drops out, or whatever. I suppose he still becomes a disruptive feature outside of school probably worse than he is inside; is that correct?

Mr. **Durant.** If he is pushed out—I do not say that a person, the first time he messes up he is pushed out. I think that if there are any counselors in the school he might come to the attention of the counselor and he might come to the attention of a friendly faculty person, a coach or the like, and if none of them down the line can get a handle on the kid, he is kind of eased out of the picture. If he has got any brains at all, he continues his disruptions by standing outside of the school during school hours and to some extent enticing kids to come on out and have a smoke with him, or have a beer with him, or he ends up being a pushed right on the area there. But, he continues his disruptive manner.

Mr. **Bell.** But, is there any way, if you see a youngster is not going to go along with the establishment, of attempting to try and move towards a vocational type training for a job or something iof this nature?

Mr. **Durant.** Here is where the cooperation between the community agency and the school comes in. If the school has got brains enough to use whatever tools are available out there, they might call in an agency such as ourself and ask that one of the workers be assigned to this young person and kind of talk to him and work with him and become a buffer between himself, the kid, and the school, which is the establishment, or the community, at this point.

That worker, if he is assigned, will then start checking out the kid all the way from the family background to the school, to even possibly the police contact and some of his peers, especially by way of the peers, or peer pressure. He might be able to come up with some solution for the young person's problems. It might be that he can get into a trade school, or part-time school and get an inbetween—well, work a few hours and go to school a few hours. In 6 months he might mature and say, "Hey, what a damned fool I was, let me back in the school." And then he can start the process of getting an education.

Mr. **Bell.** Did you have a comment?

Mr. **Morales.** Well, when I was going to high school, I went—right away they set me up in a vocational training program. But, most of the last four years in my high school I had three periods of upholstry and what are you going to learn in there except to reupholster a chair or something like that? I am not really that high on vocational training programs, but I know we need them. But, I think what we need more is to get into the colleges.

Mr. **Bell.** Well, is that possibly because the vocational training program is not planned, not well thought out?

Mr. **Morales.** Right.

Mr. **Bell.** If they were well thought out, if there were something that would meet the boy with a job——

Mr. **Morales.** Well, they are not really well planned out because what is the employment rate of upholsterers in the city and how many auto mechanics can you really hire out there when you have thousands of kids graduating from high school.

Mr. **Hawkins.** Do you believe that the gangs that cause the trouble are really created over night, or do you believe that they can be detected at an early period in the school, and something done about it, or do you believe that they are individuals, particularly the leaders, who emerge rapidly over night as a result of some unusual situation?

Mr. **Durant.** I believe that the reaching of the young person should begin somewhere in the grammer school level. Testimony after testimony shows that the school teachers can detect deviant behavior emerging in the sixth grade, and that is pretty late. At this point there is a program that is being conducted between the schools and the Department of Public Social Services in which they have a service called Out Reach. It is on a pilot basis and I believe six grammer schools in East Los Angeles. They have an arrangement with the sheriff's department, for instance, not to book or bust a kid until after they check him out to see whether or not they belong to this particular school.

The idea is to keep him away from the juvenile system and then upon finding with the wayward behavior tendencies, the teacher, the social worker, the school administration, and the family all get together and work on this kid's problem. They turn him every way but loose at a very early age.

Mr. HAWKINS. Are you in effect then saying that the schools are failing in a program of detection in the earlier grades or following through?

Mr. DURANT. Yes—not to say that they are failing, but the fact is that it is being detected at this point and it is being shunned off, or ignored and allowed to continue up into junior high school. The violence where it is really happening is right around the 9th grade level.

Mr. BELL. Let me interject here another question.

How much of the problem that you are talking about that developes in the school is the result of the possibility that the youngsters never did do well academically, and principally because they got a bad start, because of lack of being bilingual, or whatever? Do you think they became troublemakers as a result of not having the background and a good bilingual start—where perhaps their family spoke Spanish and when they went to school in the first, second, or third grade they never quite caught up because they couldn't speak English?

Mr. DURANT. There are a couple of things, and I think I have to throw it back this way, I think that especially in the east Los Angeles schools, the teachers have taught traditionally with a missionary zeal. They have never taught across the students, they have taught down to students and they asked or demanded that the students life their eyes and it is a "be like me" situation.

The student, by and large, has never had the benefit of, if you want to call it that, looking across and seeing a brown face teaching a brown face. Generally, it has been a white face that we looked to. It was not bad because some of the people who taught were tremendously good teachers, but always, it seemed to me, it was with a missionary zeal and it means that you never were their peers, you were kind of like them and you would build up to them, but you would never really get to peerhood, you see. They would never be an equal. Kids get this feeling. Maybe you cannot articulate it, but you can sure as hell feel the fact that you are just a little bit inferior to those who are teaching you.

Then, of course, you also have the other problem of the language handicap. You know, teachers, I guess, in their exasperations have gone all the way from the point of, "You had better not speak Spanish or else I will crack a ruler over your knuckles." You do crack the ruler and you learn, but boy, that stuff is stuck in your head, you know. At an early age you sublimate things that later on become—that go out and become the hatred and hostility and all of the other things that you cannot understand.

Mr. BELL. Do they have many bilingual teachers in, for example, the east Los Angeles area that are making any kind of an impact? Is there improvement in this situation?

Mr. MORALES. They say they do, but I do not believe they really do. For example, there is this latest incident at one of the local schools where there is really only two Mexican-American teachers, but they say that 40 of the teachers are bilingual and speak Spanish, but they are not Mexican-Americans. Maybe they speak a little Spanish, but—you know—how do you judge as to what type of Spanish do they speak, they do not have the cultural unbringing, they did not grow up in the neighborhood like we did. So, right now it is really low. I know for a fact it is really low. We need more Spanish-speaking teachers in the schools. It is a very funny thing that in Los Angeles where you may have 98 percent Spanish-speaking students in some of the schools here, you may have less than 5 percent Spanish-speaking teachers. So, that is a big problem. You have a big problem with communication.

Mr. BELL. Do you think that having more Spanish-speaking teachers in the east Los Angeles area would make a noticeable impact on this problem?

Mr. MORALES. Yes, I do.

Mr. DURANT. With one possible exception, and that is that the Spanish-speaking teacher does not walk around waiving the Mexican flag either. You know, you can go to extremes. You can be a Mexican-American school teacher, by golly, know your culture and also the one that you are trying to push across to the student. It is not enough to be a particular color. You have got to be versed in the subjects that you are supposed to teach.

Mr. BELL. One more question.

Mr. Morales, you mentioned that you felt that it was important to understand the differences in different schools that have distinct problems so that you will have an analysis of how to handle your problem. Maybe you have the benefit of knowledge of another problem that was handled in a different school. The Safe Schools Study Act that we have in the Elementary and Secondary Education Act that has just passed the House, provides for a broad nationwide research for all kinds of circumstances in schools throughout the country and that information would be made available. Now, do you think that would be of help?

Mr. MORALES. Yes, I think it would. Research is always of help. But, we have had so much research done out there, and we still have over 50 percent dropout rates in our high schools. I really hope that it does help. I think now that there is more awareness, more involvement, and something should be done to follow-up on this research.

Mr. BELL. You might find the answer to a problem in a Los Angeles school, from what happened in Chicago, or vice versa?

Mr. MORALES. And a lot of the problems in Los Angeles are the same in the southwest of the United States.

Mr. HAWKINS. Just one final question.

If you were seated on this side of the table in the position that we occupy, at the Federal level, what would you suggest to be the most effective thing or things that we could do?

Mr. MORALES. I would say, from my standpoint, the employment program would be very important.

Mr. HAWKINS. You rank employment as the top priority?

Mr. MORALES. Yes.

Mr. HAWKINS. Mr. Durant.

Mr. Durant. I rank in priority your own presence with the presence of other elected local officials when making decisions that are going to affect the total community, especially when we are talking about our youth community which, to some extent, is a disenfranchised community because it is not a voting-type community and it is also a very unaware community because it has never been taught what its rights are, even as nonvoting citizens. But, I think your presence is very necessary when decisions are being made about expenditures of funds on behalf of anything that has to do with the community.

Mr. Hawkins. Do you think that our presence means anything unless we could actually make promises that we could keep? For example, would my presence, or the presence of Mr. Bell or Mr. Clay or anyone else who might even be identified with that community, be of any importance if we, let's say, discussed problems with a gang and the gang said, "Look, we need jobs,' and we cannot produce the jobs.

Mr. Durant. Well, we are not thinking so much of your meeting with gang kids unless they are already conditioned to meeting with you, and not make demands of you, which you naturally, could not keep.

But, the expenditures of money, if you do decide that you are going to put some money into this community, it is not going to come for another couple of years. If you could work out deals with our local government, here, saying that the money will be available, why don't you spend some of yours and as soon as we get ours we will give it to you, the local communities would not have to wait for 2 years on whatever programs are priority programs.

Mr. Hawkins. Thank you, Mr. Chairman.

Mr. Bell. Thank you very much, Mr. Morales and Mr. Durant. Your testimony was most helpful.

I would like now to have come forward our district attorney, Mr. Joseph Busch. District Attorney Busch runs the largest prosecuting agency in the world. He has 450 attorneys, and 1,400 employees. In years between 1952 and 1970 he became district attorney. He has personally handled over 10,000 cases.

Since 1970 he has earned nearly double the staff of his juvenile division, and proposed legislation to improve juvenile court law and initiated programs to improve facilities and staff in juvenile courts.

District Attorney Busch, it is a real pleasure to have you again before our committee.

Mr. Busch. It is a pleasure to be here, Congressman Bell, Congressman Hawkins, and Assemblyman Dixon.

If I may, I will just read a prepared statement and——

Mr. Hawkins. Excuse me, Mr. Busch.

May I interrupt you? Mr. Johnson here is the staff director of our subcommittee and unfortunately he is posing behind the name of our distinguished assemblyman.

Mr. Busch. I started to say that he had changed his appearance somewhat.

If I may just give a prepared statement—this is Mr. Earl Osadchey, the head of my Juvenile Division.

STATEMENT OF DISTRICT ATTORNEY JOSEPH BUSCH, COUNTY OF LOS ANGELES; ACCOMPANIED BY EARL OSADCHEY, HEAD DEPUTY DISTRICT ATTORNEY, JUVENILE DIVISION

Mr. BUSCH. May I identify myself as District Attorney Joseph P. Busch.

It is time to reevaluate, I think, the traditional role of the District Attorney in the juvenile justice system. Today, in Los Angeles County, we are getting more murders, more rapes, more robberies being committed by juvenile offenders than by their counterparts in the adult community.

The foremost responsibility of the district attorney is to vigorously prosecute these offenders in court. Local government resources are properly committed to the discharge of this responsibility. This, however, is not enough. There is an equally important problem of prevention and control. And, it is to this area than I address my remarks.

The Congress of the United States can and must occupy a position of leadership and make a significant contribution to the improvement of the juvenile justice system throughout the nation.

Local government has demonstrated that it has the expertise to develop viable delinquency prevention programs. The difficulty is that there are not enough of these programs. The reason for this lack is money. It is in the funding of these kinds of programs that the Congress of the United States can make a significant contribution to the national problem of juvenile delinquency.

Federal funding for local programs to deter runaways, truants, and incorrigibles is the most effective means for Federal participation in the juvenile justice arena. Through such proposed legislation as the Safe Schools Study Act and the Juvenile Justice and Delinquency Prevention Act, the Federal Government can deal with the sociological problems of youth, while leaving the crime problem to local government.

As an example of the type of programs Federal Funding could support is the SARB, school attendance review boards, program proposed by the Los Angeles County schools. SARB is designed to provide a staff of trained professionals from the fields of mental health, probation, social work, community relations, and the schools to identify and work with youngsters who show an early inclination toward incorrigibility.

Federal money for local counseling programs, placement facilities, and special schools would make the burden off of local government in cases where criminal activity is not yet involved.

The ability to identify and work with potential offenders at an early stage would be an effective method of reducing violence. Attempts to control and prevent deviant behavior would take place before it became delinquent and criminal behavior. Thus, many young people might be redirected into useful lives.

The district attorney will continue to vigorously prosecute crimes commited by young people, but prosecution alone is not enough. Federal assistance to local delinquency prevention programs is the miracle drug needed by the sick patient.

If I might just make some extemporaneous remarks, the juvenile crime problem and am sure, as I have seen that the chief of police has been here and the superintendent of schools has been here, and they probably talked about violence in the schools and what is happening, I think one of the areas of real concern for the United States today is the problem of juvenile crime.

I think that since 1967, with the passage of the Gault decision, we have seen always a complete revolution with reference to the way we are handling our youngsters in juvenile court system. The answer to the problems that we are confronted with in Los Angeles County, in that area, probably should be answered by our legislature, but I am sure that the Federal Government can be of help. It seems strange to me that approximately 7 years ago I had two lawyers to handle juvenile delinquency crime problems and today I have 62. The procedural changes that have occurred within the juvenile court system, I think, has brought much of this about. We have failed to respond to the procedural changes with viable programs that could be used as an alternative to the criminal justice system.

The last place we want youngsters is where we are prosecuting them in a courtroom. That should be the last resort, I believe. I do not believe that we should be exposing young people to the criminal justice system except as a final resort because we are actually in an adversary proceeding in there.

Sure, it is not the people versus, but as far as the prosecution's role, it is the same type of a role. I think that attention to the bills that you are contemplating to create the diversionary type of programs is the type of thing we should be interested in, whether it is through additional special schools, or whether it is through additional programs, through people that are concerned about the behavioral problems or whether it is the earlier identification of the offender. Whatever it may be, anything is better than to let them ultimately just mature into the criminal court system. Because, unfortunately we find that 90 percent of the adults that we ultimately prosecute in the adult courts have had juvenile court experience.

So, what we are looking at with this tremendous increase in the handling of the—not criminal cases, but the detention hearings, or whatever you want to call them in the juvenile court, those are all potential people that are going to be committing the crimes. Every juvenile that we have—in our State, yes, it is under 18—but when you are talking about those, it is not just violence in the schools, those are students, almost each and every one of them are students and they are in a potential area of creation of criminal misconduct.

Perhaps it is not violence in the schools itself, but at least they are contaminating the students. We have had a number of hearings here in Los Angeles County. We had one before the school board last Monday and we addressed ourselves to the problems just as I am sure Chief Davis and Dr. Johnston did here. And Jimmy Kirkpatrick. All of the obstacles that we have with reference to the youngsters when we finally get them into the court system, one of the school board members, when it was all over, said, "Gee, this was rather a disappointing meeting; we wanted to hear what are we doing to keep them out of the system." My response to that is; if that could be found, then I do not need to have 62 lawyers down there. We do not need 30 commissioners and 3 judges in Los Angeles to be reviewing it. We do not need a lot of additional probation officers and police officers. We are talking about those people in the criminal justice system that deal with what are truly criminal offenders.

So, anything that can be done in this area to identify the potential delinquent, or incorrigible, to divert them and work with them, I think should have the highest priority of every legislative body.

Mr. BELL. Thank you, Mr. Busch.

Could you elaborate on the school attendance review board program and talk about the substance of the work which can be done with youngsters that show an early leaning towards disruptive behavior?

Mr. BUSCH. Yes.

I think many times they find that they are sort of emotionally handicapped children. I think that is a common term that may be used today. They are not responding to the normal courses of school events and they are being able to be identified earlier by the teachers. They are not being able to keep up with thir class work, they are beginning to get in trouble.

If those youngsters can be identified early enough so that you spend your time in a concentrated effort with them, we would be spending money to help those youngsters rather than when they get to be 15, put them under the supervision of a probation officer.

If we could save that dollar and identify those through the various disciplines that would be involved, then I think we are doing more good than to just use the system of put them alone, or put them—I don't know what they call them now, but the schools that are part-time schools and that sort of thing, continuation schools, and that type.

That is what the review board is looking for, can we identify these youngsters, and then we work with them specially. If you can work with them specially, then we hope that we can keep them out of the delinquent areas, or criminal area. I think basically that is what those programs really seek to achieve.

Mr. BELL. What are the most prevalent areas of student offenses, for example, vandalism, narcotics, or what?

Mr. BUSCH. The major offense that we are always confronted with, with youngsters today, is alcohol and drug abuse.

Mr. BELL. That is the major one?

Mr. BUSCH. That is always the major one. On vandalism, we did a survey, it must have been about a year and a half or 2 years ago. You know, there are really no statistical areas that accumulate vandalism reports because it may fall under burglary or arson. Maybe they do things afterwards that are listed elsewhere. We did a survey through the county here trying to get an antivandalism program going and we found that it was running about $8 million a year, vandalism, and that is a lot of dollars.

In the Compton area, where they have a particularly serious problem, in the schools alone it was running about $35,000 a month in vandalism damage.

Well, if you start converting that into money that would be available, if you could stop it, into special programs for youngsters, or additional teachers and that type of thing, you can see the value that it would have.

But, the problem that we have today with the drugs and alcohol, which creates the truancy and they go into other types of criminal activities.

Mr. BELL. Do you feel that there should be a distinct program for each different offense, or do you feel that it should be put together—nacotics, I suppose, is a separate one.

Mr. BUSCH. Well, I think the ability to identify the individuals that are going to be falling into that sphere of influence, whether it is drugs, alcohol, or gang activity, or whatever it may be, we can identify the hardcore and I am sure that you have had the definition of hardcore offender here today. In Los Angeles hardcore is 10 arrests, five of which must have been felonies. Well, that is a pretty good record for a juvenile to be identified as hardcore. But, outside of the hardcore ones, which I think are real discipline problems, and should be in a criminal justice system of some type, or governmental disciplinary system, it is the periphery people that you have to identify. The earlier you can identify those individuals and divert them, or put them into valid diversionary programs, the greater opportunity you have, I think, in keeping them out of serious trouble in the future.

Mr. BELL. Mr. Hawkins?

Mr. HAWKINS. Mr. Busch, I certainly want to commend you on your statement and particularly that reference to having programs as alternatives to the system over which you have, obviously, such strong leadership.

May I ask this? Between that point where the offender becomes a problem in the schools, before that individual becomes a part of, or goes into the stream of the juvenile court system, is there any possibility of handling those cases without getting the individual involved in the court system? Should we have some midway point, or some program in between? Obviously, we should have them even before that point. I am wondering whether or not there are many of these offenders who get into the juvenile court system who might benefit from some program that is less punitive than what they are now being exposed to.

Mr. BUSCH. Yes. I believe that is an area that should get the priority in some of the prevention programs you are talking about. Let's not get them into the system. Let's have viable programs that we should exhaust or use as a corrective measure, or diversionary measure before they get into the system.

Once they get into the juvenile-criminal justice system, we are looking at offenders, which in my opinion, should be getting punished. Now, we are only—I shouldn't say that. We used to appear only on 602's—you know—we have a lot of funny names—we do not call them criminals, we do not charge them with a crime. We say that they are delinquent in that they did violate a criminal statute, and that type of thing. Now, we are even in on the runaways and the incorrigibles. I do not think that a district attorney should be in on that. I don't think a prosecutor belongs in there. If it had something to do with criminal misconduct, they should be. But, this whole system, as I say, our State needs to clean it up within our State to eliminate a lot of things that should not be there to coincide with the new concepts in law. But, I do believe that—you see, the probationary department usually gets a youngster that has been arrested by the police. They have to turn them over. Do they really have the diversionary programs to screen those kids into without putting them into the system? I say they don't, and that is where the Congress should be paying attention.

Mr. HAWKINS. Well, there is not much choice, let's say, to a police officer. And, there is not very much choice to the juvenile court judge. At the present time there just is not any alternative program available.

Mr. BUSCH. I do not believe that there are sufficient proven programs available. I think that there certainly can be those programs. I think they can be created. The problem is the dollar. They need to have to be supported, I think, by the Federal Government.

Mr. HAWKINS. In other words, you think that Federal assistance is absolutely needed if we are to have such programs?

Mr. BUSCH. I certainly believe so.

Mr. HAWKINS. I certainly wish to commend you.

Mr. BUSCH. May I say I have a federally supported program and I am glad to see that you invited Olivia Mitchell from our staff. That is a federally funded program. She works with the youth. Acquanetta Harrison is on my staff as a paid student advisor and Mr. David Brown. It is a great program and it would not even be in existence if it was not for model neighborhood cities. We have to fight like hell to keep it.

Mr. BELL. Do you have any suggestions, Mr. Busch, as to where you feel, in this field, is the best place that could do the most good with Federal funds if this were desirable?

Mr. BUSCH. Yes. I have indicated that I think it is programs that would help identify the emotionally handicapped youngster that we know will potentially end up in some type of delinquency and to give viable substance and moneys to programs that would deal with those individuals on a—rather than on a wholesale basis, on a closer to 1 to 1 basis as best you could.

Mr. BELL. Well, thank you very much, Mr. Busch for your fine presentation. It is very helpful to us.

Mr. BUSCH. Thank you.

Mr. BELL. Our next witness will be Mr. Kenneth Kirkpatrick.

Mr. Kirkpatrick has served as Los Angeles County chief probation officer since 1968. It is the largest probation department in the United States.

Joining Mr. Kirkpatrick from the Department are Dr. Alfred Parsell——

Mr. KIRKPATRICK. Congressman Bell he is not here. He was unable to make it. This is Dr. Totschek, who is a Research Consultant in our Department.

Mr. BELL. Dr. Totschek?

Mr. KIRKPATRICK. Yes.

Mr. BELL. And then Mr. Thomas Meeks.

Mr. KIRKPATRICK. Mr. Meeks did not make it either. We have two of these meetings going today, Mr. Congressman. We are dividing up.

Mr. BELL. Thank you very much, Mr. Kirkpatrick and Mr. Totschek.

Would you like to present your statement? It will be placed in the record, and if you want to summarize, that would be fine.

Mr. KIRKPATRICK. I would like to summarize and we do have a written statement, Mr. Congressman, that will be submitted.

Mr. BELL. Without objection, that will be placed in the record.

Mr. KIRKPATRICK. Very well.

[Mr. Kirkpatrick's prepared statement follows:]

PREPARED STATEMENT OF KENNETH E. KIRKPATRICK, CHIEF PROBATION OFFICER, LOS ANGELES COUNTY, PROBATION DEPARTMENT

The Los Angeles County Probation Department, like all probation and corrections agencies and as an integral part of the total justice system, has always had a deep concern for all the problems involved in the prevention and control of juvenile delinquency and crime. This, of course, includes the acting-out youngster whose behavior, for whatever reasons, may be characterized as over-aggressive, destructive, or violent and which often may be directed towards other persons in ways that are actually or potentially threatening to the safety and lives of such persons.

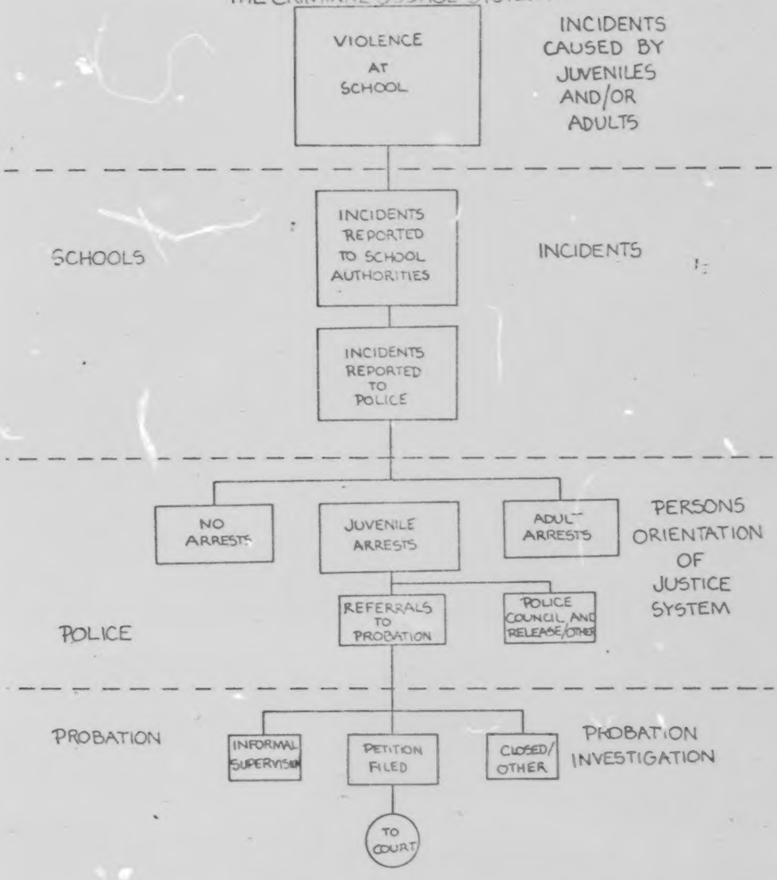
We know, too, that the schools, as a major community and societal resource for education and youth development, are a natural environment for the potential occurrence of such anti-social and anti-person behavior. We are also aware, from our own perspective, that most of the more serious juvenile offenders against school property and personnel will be referred to us, and will wind up on our caseloads or in our forestry camps—and that a number of those already in our charge are still in the schools and may be involved in further behavior of a disruptive or violent nature.

It is from this perspective that we would like to develop our remarks today. First, as the county agency primarily responsible for investigation, diagnosis, supervision, and rehabilitation of all juveniles with behavior problems of a sufficiently serious nature that they are referred to us, we would like to put together a brief overview of the total County situation with regard to problem juveniles and juveniles with problems. Secondly, we shall focus a little more in depth on those juveniles in this population whose behavior can be characterized either as violent or violence-prone. Thirdly, and within the constraints of the limited data available to us at this time, we will review certain characteristics of those included in our probation population—both violent and non-violent—and endeavor to make some comparisons and develop potential trend lines. Finally, we shall describe briefly some of the programs currently underway or under development with the Probation Department which are specifically directed towards the control and treatment of the violent youngster, with special emphasis on those programs that relate most directly to the problems of juvenile delinquency and violence in the schools.

It should be stressed that this is a preliminary and incomplete report. The Probation Department at this very time is in the midst of a more comprehensive survey of all juveniles known to us during the last four months of 1973, and will perform additional analysis of those whose offenses may be defined as violent and which occurred on school grounds and were directed against school personnel. The results of this survey will be available early in April. The preview we are able to give you today is based on very general data drawn from our own central information system, supplemented by other data shared with us by both City and County school systems.

To start with, we have prepared a chart (Figure 1) to summarize the flow from the occurrence of an incident, through school and law enforcement action, into Probation Department action and up to, but not including, Juvenile Court action and disposition. We do not, as yet, have data available in the appropriate format for the latter, but plan to work with the Juvenile Courts to develop this. The importance of viewing the problem in this total perspective becomes evident when it is realized that the link between the schools and the Probation Department and the Courts is almost always the law enforcement agency, at least in so far as incidents of violence are concerned. It also points up dramatically the "fall-out" of cases at each stage in the flow.

Figure 1
SCHOOL VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM


VIOLENCE AT SCHOOL
INCIDENTS CAUSED BY JUVENILES AND/OR ADULTS
SCHOOLS
INCIDENTS REPORTED TO SCHOOL AUTHORITIES
INCIDENTS
INCIDENTS REPORTED TO POLICE
NO ARRESTS
JUVENILE ARRESTS
ADULT ARRESTS
PERSONS ORIENTATION OF JUSTICE SYSTEM
POLICE
REFERRALS TO PROBATION
POLICE COUNCIL AND RELEASE/OTHER
PROBATION
INFORMAL SUPERVISION
PETITION FILED
CLOSED/OTHER
PROBATION INVESTIGATION
TO COURT

For example, we have reports from the Los Angeles County Superintendent of Schools on the number of incidents reported by each County School District (including Los Angeles City Schools) for the September through December, 1973, time period. However, we have to recognize that these data reflect only the amount of violence *that is reported to school authorities*. The next screen is that which determines which of those incidents known to school authorities will be *reported to the police*.

It is at this point that we move from an incident-based orientation to one that is person-oriented. A primary task of the police, after verifying the occurrence of the incident, is to identify the person or persons responsible. They may not be able to do so. They may find that their suspects are adults, rather than juveniles, which means that the Probation Department does not become directly involved, at least at this stage. If the suspects are juveniles, and if the police do not counsel and release them or take other action, then the juvenile suspects will be *referred by the police to the Probation Department*. If the Probation Department determines that the alleged offense is of sufficient gravity and that the available evidence is adequate, then a formal petition will be filed remanding the juvenile *to the Juvenile Court* for adjudication and disposition proceedings.

In our efforts to follow this flow and to analyze the events at each major stage, we have been severely handicapped by the current paucity of reliable data in the whole area of school violence. The magnitude of this data problem is the subject of the table in Figure 2. As revealed here, the only hard data on school violence available to us in preparing this presentation are those compiled by Los Angeles County Schools for the September through December, 1973, time period. This count shows 195 reported incidents of violence of which 108 are actual assaults on persons and 87 are for possession of deadly weapons. These data, of course, reflect only that amount of violence reported to and known by school authorities and they are not broken down to show the incidence of each of the eleven violent offenses identified in our forthcoming analysis.

Figure 2

CURRENTLY AVAILABLE COUNTY-WIDE DATA
ON SCHOOL VIOLENCE
SEPTEMBER - DECEMBER, 1973

TYPE OF VIOLENCE	SCHOOL		POLICE						PROBATION	
	INCIDENTS REPORTED BY SCHOOLS	INCIDENTS REPORTED TO POLICE	UNCLEARED INCIDENTS	ARRESTS		DISPO			REFERRALS	DPO DISPOSITION
				ADULT	JUV	C&R	REF	OTH		
MURDERS	-									
ASSAULTS	108									
Teachers	(33)									
Pupils	(67)	N								
Others	(8)	O	NO						SURVEY	
POSSESSION OF DEADLY WEAPONS	87		COUNTY-WIDE						IN	
SUBTOTAL	195		DATA						PROGRESS	
MANSLAUGHTER		D								
CHILD MOLESTATION	N	A								
FORCIBLE RAPE	O	T								
RESISTING AN OFFICER	D A	A								
RIOT	T A									
ROBBERY										
TOTAL										

Figure 2 further shows that we have available to us no data as to numbers and kinds of violent incidents reported to the police, nor do we have any county-wide data relating to the activities of law enforcement agencies. In the Probation Department we do not now have any organized body of data relating to school violence but, as noted, we do have a survey under way at present which will provide us with such data.

However, recognizing that school violence is a subject of juvenile violence generally, we are able to use our existing data to get a broad picture of the juvenile violence situation in Los Angeles County and some indication of probation experience in coping with it. As shown in the table in Figure 3, nearly 20,000 total referrals were made to probation during the time period under consideration. Of these, 83 percent were for such non-violent offenses as burglary, drug-related offenses, petty theft, transiency, runaway, violation of curfew, and other minor offenses. The Probation Department filed petitions with the Juvenile Court against half of the juveniles referred to it for such non-violent allegations. An additional 17% were handled within the Department by being placed on informal probation under W.I.C. 654.

In contrast, of the juveniles referred for the 11 violent or violent-type offenses (17% of the total), 82% had petitions filed against them with the Juvenile Court, and only 7% were placed on informal probation. Figure 3 further shows the distribution of violent cases for each of the 11 offenses included in our definition.

FIGURE 3.—SUMMARY OF REFERRALS AND DPO DISPOSITIONS; SEPTEMBER TO DECEMBER 1973

			DPO dispositions			
	Referrals		Petitions filed		Informal	Supervision
Offense category	Number	Percent total	Number	Percent referrals	Number	Percent referrals
Total	19,619	100.0	10,887	56	2,973	16
Nonviolent	16,232	82.7	8,105	50	2,748	17
Violent	3,387	17.3	2,782	82	225	7
Assault with deadly weapon	678	3.5	597	88	18	3
Assault	214	1.1	178	83	2	1
Battery	713	3.6	571	80	59	8
Possession of deadly weapon	528	2.7	369	70	60	11
Lewd and lascivious acts on children	35	.2	30	86	5	14
Manslaughter	21	.1	17	81	1	5
Murder	43	.2	35	81		
Forceable rape	20	.1	18	90	1	
Resisting an officer	187	1.0	107	57	31	175
Riot	11		10	91		
Robbery	937	4.8	850	91	48	5

FIGURE 4.—14 MOST FREQUENT REFERRALS TO PROBATION ARRANGED BY PERCENT OF PETITIONS FILED; SEPTEMBER TO DECEMBER 1973

		Referral frequency	
Offense	Percent of petitions filed	Percent total	Rank
Robbery	91	4.8	6
Assault with deadly weapon	88	3.5	11
Battery	80	3.6	9
Dangerous weapons	70	2.7	13
Auto theft, joy riding	68	6.4	4
Burglary	68	14.3	1
Drunk	53	2.6	14
Runaway	52	4.1	8
Petty theft	52	6.9	3
Incorrigible	44	3.5	10
Possession of marijuana	42	10.9	2
Miscellaneous misdemeanors	40	4.8	7
Curfew	28	3.3	12
Transient	5	5.0	5
Total, 14 referrals	55	76.4	
Total referrals	56	100.0	

A somewhat different perspective on this distribution is shown in the table in Figure 4. Here our data have been arranged to show the relationship between (1) the 14 most frequent referrals to probation, and (2) the proportion of petitions filed for each of the 14 reasons for referral. In this table the referral reasons have been ordered in terms of the magnitude of petition filings for each. Thus, robbery ranks highest in proportion of petitions filed for all robbery referrals (91%), but ranks only sixth in terms of total number of referrals received. It, together with assault with deadly weapon, battery, and possession of dangerous weapons—all of actual or potential violent nature—are the top four in petitions filings. Not one of them, however, is among the top four in terms of number of referrals received. It is also of interest to note that none of the remaining seven violent-type offenses even makes it into the top 14 referrals which account for more than 3 out of 4 referrals made to probation. The four that do, account for less than 15% of all referrals and all have high rates of petition filings.

Further insight into probation practices in handling juveniles may be obtained by examining the use of detention following arrest. Customary police procedure for handling juveniles arrested on charges involving violence is to bring them to the Probation Department's Intake and Detention Control (IDC) office at Juvenile Hall. The table in Figure 5 assembles data showing the total number of juveniles referred to probation, the number physically turned over to IDC, and the number of admissions to Juvenile Hall. These totals have been further broken down to show this distribution in terms of five groups of violent-type offenses. It will be noted that 71% of the referrals for these offenses were brought to IDC. An analysis of Juvenile Hall admissions data shows that over 77% of these juveniles were detained in the Hall. All juveniles referred for homicide were brought to IDC and admitted to Juvenile Hall.

These data reveal how the Probation Department implements its policies for dealing with juvenile violence. Although the survey of school violence is now in progress, there is reason to believe that the findings for the schools will not differ appreciably from the reported findings on all juvenile violence. A survey of Department records concerning students expelled from the Los Angeles City schools appears to corroborate this hypothesis.

FIGURE 5.—DETENTION PRACTICES FOR VIOLENT OFFENSES, SEPTEMBER-DECEMBER, 1973

Offense category	Total referrals	Referrals brought to IDC for detention	Percent admitted to Juvenile Hall for detention
Assault/battery (ADW)	1,605	727	76
Possession of dangerous weapons	528	224	75
Forcible rape	20	14	71
Robbery	937	501	79
Homicide	43	43	81
Total	2,135	1,509	77

* Based on proportion of Juvenile Hall admissions referred by police.

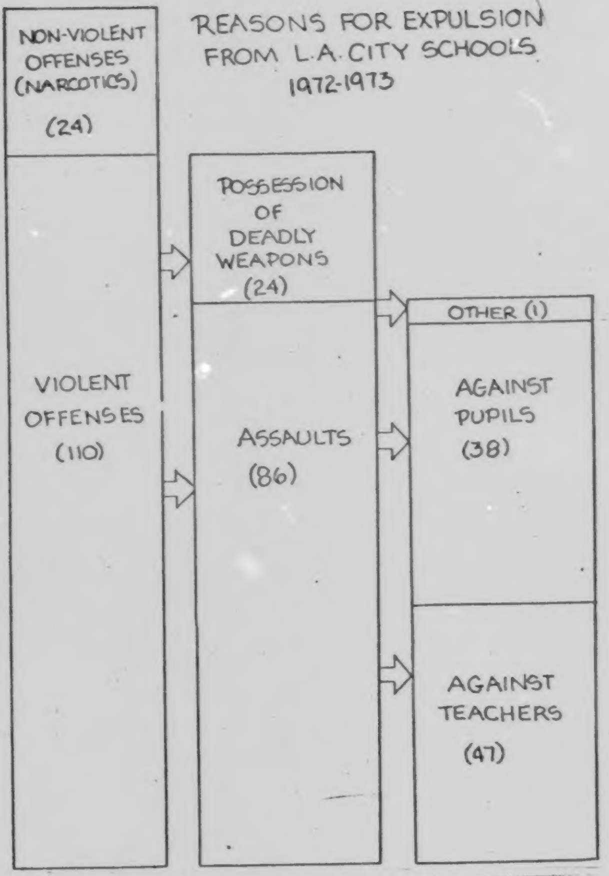
The Los Angeles Cities Schools furnished the Probation Department with a list of the 134 students who were expelled during the 1972–73 school year. Figure 6 shows that 78% were expelled for violent offenses involving assault or the possession of deadly weapons. The remainder of the expulsions were for narcotics offenses.

Taking a closer look at the 110 students expelled for violent offenses we note (Figure 7) that the Probation Department received referrals for two-thirds of these offenses. Either the schools or the law enforcement agencies apparently felt that there was not sufficient cause for a referral in 36 cases of assault and weapons possession.

Interestingly enough, the Probation Department action on the 74 referrals is quite similar to its action on the 3387 referrals for violent offenses during September through December 1973. Figure 8 demonstrates the closeness of this relationship. In both instances, the Department had the same percentage of petitions filed and cases held in abeyance. There is only a 2% difference in the number of cases placed on informal probation.

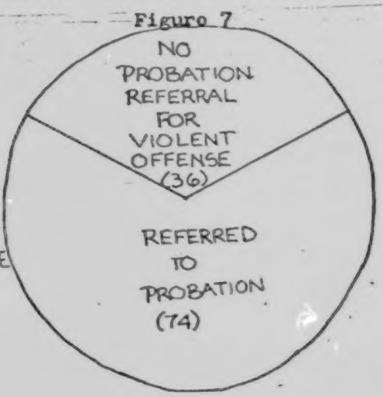
A preliminary survey of the Juvenile Index in the Central Records of the Probation Department (Figure 9) revealed that 74% of the referrals were placed on probation either in their own homes or removed from the community trhough placement in private or Probation facilities. Another 7% were sent to CYA, and 5% were placed under informal probation in conformance with Section 654 of the Welfare and Institutions Code. It was not possible to ascertain the action taken on nearly 10% of the cases from the limited information in Central Index. An in-depth review of the case files could not be completed in time for this report. Because the sample is so small, it is not appropriate to simply pro-rate these cases among the known categories. In fact, some of these cases may still be pending in the courts.

Figure 6



REASONS FOR EXPULSION FROM L.A. CITY SCHOOLS 1972-1973

Figure 7



SCHOOL AND LAW ENFORCEMENT DISPOSITION OF 110 STUDENTS EXPELLED FOR VIOLENT OFFENSE

FIGURE 8.—PROBATION ACTION ON 74 REFERRALS FOR VIOLENT OFFENSE COMPARED WITH OVERALL ACTION ON VIOLENT OFFENSES

Probation action	Referrals for school expulsion (74)	Referrals for violent offenses (3387)
	Percent	Percent
Petitions Filed	82	82
Informal Supervision	5	7
HIA	3	3
Other	10	8

FIGURE 9.—PROBATION STATUS OF 74 REFERRALS FOR VIOLENT OFFENSES AFTER DATE OF EXPULSION

Status	Number	Percent
CYA	5	7
Probation	55	74
Informal Supervision	4	5
HIA	2	3
Close	1	1
Indeterminate	7	10
Total	74	100

We also examined our files to see whether there was a probation record for any of the 36 expelled students who were not referred to probation for their violent offense. Figure 10 shows that more than a third had no probation record and only one had been referred for a non-violent offense during the 1972–73 school year. His case was closed by the investigating DPO.

The remaining two-thirds are known to the Probation Department. Five of those expelled had terminated their probation prior to the time of expulsion, and another twelve were on probation at that time. Since the time of expulsion, six others have been placed on probation for other non-violent offenses.

We recognize that schools are a major community and societal resource for education and development. Schools provide a natural environment for the potential occurrence of anti-social and anti-person behavior. In our program development we have addressed ourselves to school problems through various programs in which the Probation Department is active:

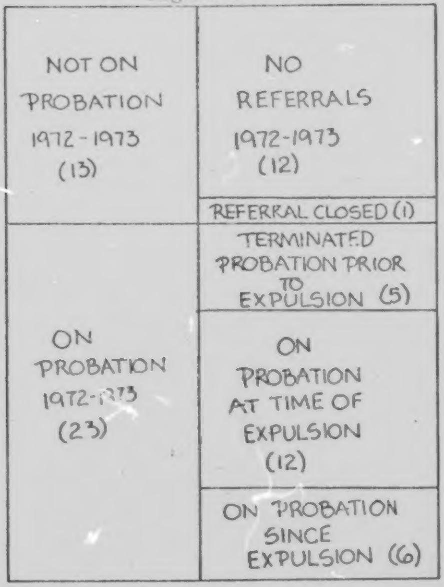
PROBATION-SCHOOL LIAISON PROGRAM

Probation Officers who are assigned to this program have a maximum of 25 school-related problem cases. They maintain a close functional relationship with school personnel. The Probation Officer provides immediate response to problem situations on campus. He provides on-the-spot counseling service to disturbed youngsters, facilitates school referrals to Probation or diverts them to other programs, and provides consultant and informal service to school personnel. Our Department provides Supervising Deputy Probation Officers, Deputy Probation Officers, and clerical staff to this function.

We are operating in schools with serious violence problems and gang problems. Currently we have staff working in Washington, Crenshaw, Dorsey, Locke, Jordan, Freemont, and Dominguez High Schools.

Our staff in Junior High Schools are assigned to Henry Clay, Mt. Vernon, Gompers, Markham, Bethune, Roosevelt, and Whaley.

Figure 10


NOT ON PROBATION 1972-1973 (13)
NO REFERRALS 1972-1973 (12)
REFERRAL CLOSED (1)
TERMINATED PROBATION PRIOR TO EXPULSION (5)
ON PROBATION 1972-1973 (23)
ON PROBATION AT TIME OF EXPULSION (12)
ON PROBATION SINCE EXPULSION (6)

PROBATION RECORD OF THIRTY-SIX NOT REFERRED FOR VIOLENT OFFENSE

Prepared by the Los Angeles County Probation Department for presentation at a Special Board Meeting on Community and School Violence of the Los Angeles Unified School District, March 25, 1974.

PROBATION DEPARTMENT'S COMMUNITY DAY CARE CENTER

In most cases, young people who participate in the Probation Department's Community Day Care Center have histories of being behavior problems to the public school system. In many cases they have been refused reentry into the school system and often are potential or actual school dropouts.

Our nine Community Day Care Centers operate Monday through Friday and serve 180 youngsters. From 8 a.m. until 5 p.m. the youngsters are involved in remedial education and counseling programs. Teachers from Los Angeles County Special Schools and Los Angeles City Schools conduct the classroom portion of the program. Two Deputy Probation Officers at each site offer the youngsters and their families individual and group counseling. The program is enriched by volunteers from the community, along with student volunteers from USC, UCLA, Long Beach, and other universities. At noon, a hot, wholesome meal is served. This program diverts 180 potential school problems from the public school system.

JUVENILE REFERRAL AND RESOURCE DEVELOPMENT PROJECT

In Norwalk, the Juvenile Referral and Resource Development Project inimmediate intake and detention control service. This program has the advantage of having Probation Officers who are knowledgeable about youngsters in the community and who can establish liaison relationships with the Police, the community and the schools.

POLICE-PROBATION TEAM

In Torrance, a Probation Officer works with a Police team during an 8-hour shift on a regular basis. This Police-Probation team emphasizes in-depth investigation to improve screening ability and referral to community resources when appropriate. Again, this team has developed close working relationships with the schools and the community.

PODIS (PREVENTION OF DELINQUENCY THROUGH INTENSIVE SUPERVISION)

PODIS deals with pre-delinquent minors under 601 of the Welfare and Institutions Code. Minors are referred to this program for truancy and other pre-delinquent infractions. The target area is San Gabriel. Parents, school and Police authorities are making extensive use of the program.

The project includes 6 Deputy Probation Officers III, 4 Sr. Community Workers, 1 Supervising Deputy Probation Officer and clerical support. Each PODIS Deputy Probation Officer has a maximum of 30 cases. Staff are receiving ongoing training in individual and family casework methods.

FAMILY TREATMENT PROGRAM—CRENSHAW COMMUNITY

This program is designed for youngsters who are in conflict with school authorities, their families and the community. The program is located in a predominantly Black community served by the Crenshaw Area Office—an area of high crime and delinquency.

Trained Probation Officers conduct family treatment sessions at the Center according to the family needs. As part of the project's efforts to work more closely with the community schools, 4 graduate students in social work, under the direction of one of the family treatment specialists, are providing counseling to students at the Twenty-fourth Street Elementary School. Additionally, his team provides consultant services to teachers and administrators. Following evaluation and treatment, the family treatment services are terminated, or the family is referred to other probation services or to other community services for continued treatment.

LOS COMPADRES (DIAC) PROGRAM

The Los Compadres Program serves the predominantly Mexican-American community of El Sereno and Lincoln Heights. Approximately 300 youths involved in the early stages of delinquent careers receive services from this program each year.

Project staff work very closely with 9 neighborhood schools—3 high schools, 3 junior high schools, 3 elementary schools—in the El Sereno and Lincoln Heights district. Deputy Probation Officers and Community Workers selected for their skills are assigned the responsibility of working closely with these schools in an effort to prevent problems and provide services to students who are having difficulty in adjusting to the school's program.

POLICE-PROBATION UNIT—POMONA

Six Deputy Probation Officers and 3 Community Workers are stationed in 3 Police Stations in the Pomona area—Glendora, Claremont, and Covina. A major thrust of this program is diversion.

The Community Workers in the program function as school liaison personnel and are in and out of the neighboring schools daily. The staff in the Police-Probation Unit assist school personnel, check on school attendance of probationers and develop a close working relationship between the schools, Police, and the community.

FOOTHILL INTERCEPT

This program includes 4 Deputy Probation Officers who are housed in a Pasadena Police Station. These Probation Officers work with 9 Police Stations and 2 Sheriff's Stations in the Northeast section of Los Angeles. Their services are available 7 days a week, 16 hours a day, including Saturday, Sunday and holidays.

Probation Officers from this program assist the Police in determining whether or not a youngster should be detained. They often make available crisis counseling for youngsters and their parents. This program, like many of the others, feature close relationships with the Police, the community and the schools.

77TH STREET POLICE-PROBATION PROGRAM

Our Department has asigned a Deputy Probation Officer in the 77th Street Station, an area of high crime and violence. This Officer works with the Police and our School Liaison Officers in determining whether or not a youngster who has committed an infraction should be detained or referred to other community resources.

These innovative programs provide a web of information which is shared with appropriate persons in the community, schools, and other juvenile justice agencies.

PROBATION CAMPS

The Probation Department operates 9 camps. These camps have special programs which have been developed to meet the varying or constantly changing needs of the boys placed there.

The junior camps all have full-time school programs, emphasizing remedial education to lessen the education deficiency which is characteristic of camp boys.

The senior camps emphasize work training. Some have fulltime work programs, together with part-time (evening) school programs. Others are orientated to teach more specific vocational skills such as welding and auto repair. For senior-age boys who are still academically oriented or who are physically unable to participate in full-time work schedules, we have programs which provide a half-time school—half-time work program.

CAMPS INTENSIVE AFTERCARE PROGRAM

The Camps Intensive Aftercare Program was developed by the Camps and Schools Division of the Probation Department in response to an identified need to provide intensive followup services to juveniles completing the camp program. In designing the Aftercare program, recognition has been given to the fact that as the boy leaves the structured camp environment, he is most in need of intensive support and assistance in making a healthy adjustment to family, school, job and the community.

LAS PALMAS SCHOOL FOR GIRLS

Las Palmas School for Girls serves 100 delinquent girls, ages 13 to 18, who are wards of the juvenile court. The educational program is provided by the Special Schools Division of the County Superintendent of Schools. A fully accredited program for grades 8 to 12 is primarily academic, but 2 vocational courses are offered—home-making and business training. Psychiatrists and Clinical Psychologists provide individual and group treatment and consult with staff. Girls at Las Palmas have been involved in the complete range of delinquent behavior. Most have had serious school problems and many have been expelled from school.

Girls engage in a wide variety of activities in after-school or evening hours. These activities include creative writing, jazz groups, drama, arts and crafts, swimming, etc. Las Palmas includes an Aftercare Program.

LATHROP HALL PROGRAM

The Lathrop Hall Program, administered by the Medical Division of the Los Angeles County Probation Department, is designed to acomplish the rapid rehabilitation of minors whose behavior precludes their living at home. The program is staffed by medical personnel. The innovative classification "Nurse-Counselor" was developed in the Lathrop Hall Program. "Runaway" is a common delinquent behavior problem of girls who are in residence in this program. School behavior and attendance were cited as the girls' principal problem areas.

STATEMENT OF KENNETH E. KIRKPATRICK, CHIEF PROBATION OFFICER, LOS ANGELES COUNTY, PROBATION DEPARTMENT; ACCOMPANIED BY ROBERT TOTSCHEK, RESEARCH CONSULTANT

Mr. KIRKPATRICK. Let me indicate, first, that as my friend Mr. Joe Busch just testified and I trust that he indicated that we consider the juvenile justice system in Los Angeles County at least and it should be everywhere, a system made up of all of the agencies that deal with juveniles that are coming to our particular attention and in this county we have carried out that kind of coordination and communication through monthly meetings of the chief of police of the city of Los Angeles and the sheriff of the County of Los Angeles, the district attorney, the presiding judges of the superior court, of the municipal courts, the director of the California Youth Authority who also have youth on parole in this particular community, the president of the bar association and various other people who are directly involved in terms of carrying out the juvenile justice system of this particular community.

Just to give you an idea of the scope of the problem and summarizing that, this year there will be about 100,000 youths that will be arrested in this particular community. About 50,000 of them will be referred to the probation department for some type of service. More than three out of four of those particular youngsters will be referred to the probation department for the first time. Additionally, about 15 percent will be for the second time and the remainder would be for the 3d or more time that are coming to our attention.

At any one time under the probation department's responsibilities are about 2,700 children in placement. This is about 1,000 children in our own institutions, our boy's camp, and schools. Our two girl's schools and private placement in agency institutions, foster homes and group homes. We have, in preparation for this and additional hearings, actually studied the incidents of juvenile violence or serious acting out behavior resulting in violent behavior for the period September through December of this last yeaar. During that period of time we had 20,000 youngsters referred to the probation department and 83 percent of those, something over 16,000 plus were for nonviolent kind of offenses that would be drug related offenses down through perhaps curfew, incorrigibility, and so forth. In those instances, 50 percent of those youngsters, 16,000 plus, were actually brought into the juvenile justice system. The remainder were either placed on voluntary probation under a provision of our Welfare Institution Code, section 654, which allows the probation department to provide voluntary supervision. That was in 17 percent of the cases. The remaining 33 percent were diverted out of the system. These would be the less serious kinds of cases that would not represent any kind of serious danger to the community; 17 percent of those youngsters who committed violent offenses were brought into—83 percent of those 17 were brought into the system itself and brought before the juvenile court.

We feel very definitely that in those kinds of serious offenses involving violence, use of weapons and so forth that we should bring those particular youngsters before the juvenile court for some kind of disposition.

Out of that group a number were removed from the community, as I mentioned before, into our camps, our schools, private institutions, and so forth.

We have a number of programs that (1) we can divert children out of the system, those that are less serious. To show the cooperation and coordination, the probation department provided some $883 last year to 14 different police agencies to develop a diversion program in this community. That included funding of some $200,000 to the sheriff for his diversion program, just slightly less than $200,000 to the Los Angeles Police Department for the development of a fireman's counseling program that perhaps you have heard about in which the Los Angeles Police Department was able to divert some of their first offenders and so forth into a counseling program with some of the onduty firemen who have training under the Grant. So, we do have that kind of resource that is available to our police agencies and a good number are really being diverted by the law enforcement group.

The Probation Department itself provides a number of programs. One is what we call our School Liaison program where we have deputy probation officers who are actually officed, in many instances, in the inner-city schools where they carry caseloads of 25 youngsters who are on probation, but who are also available to the school for consultation or helping in situations where we may be getting some kind of conflict starting where our probation officers know the kids and are able to move in and there are a number of instances in which they have prevented some kind of serious acting out behavior, or violent behavior.

At the present time we have only 12 of those particular kinds of officers budgeted. We feel that that is a very viable program and that it would be very helpful in getting additional funding for that kind of service.

The Probation Department also operates nine community day centers. We call this our Halfway Inn kind of program. In other words, instead of institutionalizing the youngster, he is picked up or brought in by his parents to a center either in the YMCA or wherever we lease the facilities and there he is under the supervision and guidance of two trained deputy probation officers and a remedial school teacher. He has a program that begins at 8 or 8:30 in the morning and goes through until 5 in the afternoon. He has been given the kind of supervision so that if that youngster does not show up at the day center when he should, or he is not on the corner where he is to be picked up, we have a probation officer that will be knocking on his door wihin a half to three quarters of an hour to find out why.

We operate nine of those kinds of programs. We are operating a Juvenile Referral and Resource Development program with the County Sheriff where we have a deputy probation officer in one of the Sheriff's—in the Norwalk Sheriff's Station where they can develop resources in the community for diversion or referrals of youngsters in trouble.

We have police probation diversion teams in some police agencies where we have a team, in some instances, of a male and a female probation officer working in the police station interviewing the youngsters. Where they can be handled without bringing them into the System, we do. Where there is a serious kind of offense, they have the authority to actually do the intake, bring the youngster, file the petition in court and bring them to them.

Let me hurriedly go, because I know time is going.

We operate several family treatment programs where we are working with the family. We have a 24 hour answering service where we can do crisis intervention. Where a major problem develops within the family we are able to move out and handle that situation and see if we can head off a major crisis.

Let me just conclude by saying that in this whole area, as I see it, the long range answer has to move back into prevention. If you look at the profile of a delinquent youngster, or for that matter, even an adult criminal, you will find that in 9 out of 10 cases they are coming from some kind of a disadvantaged area. The plight of the middle class not only involves now our majority population who are moving and leaving very disadvantaged persons in the inner city. In 3 out of 4 cases they are coming from broken homes. We find that statistically. They are educationally handicapped by an average of two and half grades even though they are of equal intelligence to the general population of young people. They are vocationally handicapped. 40 percent of the youngters of the minority communities are unemployed between the ages of 16 and 23 years of age. I understand that it is from 30 to 40 percent.

They do not know how to get a job. They do not have skills that they can sell in order to get even a part-time job. So, we need to move into that. But, I think that identifies the kind of problem that in the long range we need to really reach into in terms of prevention. I think that in the short run, in terms of the kind of violent behavior, you are going to have to remove a number of these youngsters who are committing serious offenses and where they represent a serious danger to society, or the people in the community.

We feel, frankly, that with the Gault Decision in the Supreme Court, we have found many less youngsters are being removed from the community because of the adversary process in Juvenile Court.

Where, for instance, the year of the Gault Decision we placed about 2,700 youngsters in our camp program, which is a very excellent remedial treatment and rehabilitative type program, after the Gault Decision that number of children was reduced down to 1,282 in 1 year. It is now beginning to move back up again. But, I believe that there are—there is a need to remove some youngsters. There is a need to divert those youngsters who are first offenders and not a serious danger and threat to the community, divert them from the System because once you are in the Criminal Justice System, it is somewhat difficult to get out.

I think that is a summary of the statement that I have here.

Mr. **Bell.** Thank you, Mr. Kirkpatrick.

Mr. Totschek, would you like to comment?

Mr. **Totschek.** I think that sums things up fairly well. I do not think that I have anything to add.

Mr. **Bell.** How much money do you receive from Federal and State contributions?

Mr. **Kirkpatrick.** I would say state contributions——

Mr. **Bell.** I would say also local.

Mr. **Kirkpatrick.** Our total budget is something over $20 million per year, about $52 million, of which about $8 million is coming from the state through various subventions and through our Federal programs we are getting about $1 million. These are round figures, of course. There are various Federal programs which are coming primarily through LEAA funds, through the Office for Criminal Justice Planning, which is formerly CCCJ.

Mr. **Bell**. Now, you mentioned funds coming from LEAA. How do you expend it?

Mr. **Kirkpatrick**. Well, our program——

Mr. **Bell**. The LEAA, I mean.

Mr. **Kirkpatrick**. Of the LEAA funds, one was funded—one of our pilot programs in vocational training in one of our camps where we have contracted with the Teledyne Packard Bell Corp. for a very special type of vocational training program with an out reach into the community where youngsters leaving that, there is a job placement service, there are out-stations in the community that followup on those youngsters. We found that to be very, very successful. This would be with the very, very difficult kind of youngster who has been removed from the community.

We have another program called PODTIS, which is "Prevention of Delinquency Through Intensive Supervision," which is handling what we call the less serious first-time offenders under section 654 and 601 of the welfare and institution's code. These are the youngsters who actually are the delinquent-prone youngsters, mostly incorrigibles, family problems and essentially we are trying to get—keep the youngter in the community and get the family communications reestablished and get the family problems worked out. That is another one.

We have another one called DIAAC, "Delinquency Intervention Adjustment Centers," where we are working with the schools and law enforcement agencies and so forth, on a community basis to prevent delinquency where we can, and to work with the first offender and also part of that is bringing the youngster into the system where they are beyond the diversions that we have had.

One of the family treatment programs that I mentioned that we have is also being funded by CCCJ or LEAA funds. The other one is we have a special supervision unit which is trying a little different approach on the deputy probation officers with each carrying a caseload, but having a specialist in group counseling, a specialist in job placement and vocational counseling, a specialist in remedial education and so forth where we can bring those specialties to bear as well as having them carry their caseload. That is another Federally funded program. These are all LEAA programs.

Mr. **Bell**. Do you receive any funds from the juvenile delinquency program that was operated by HEW?

Mr. **Kirkpatrick**. We participate in just a limited degree. We are providing one and a half positions as a part of team post program in Los Angeles County. This is a program where we are working with youngsters in three junior high schools in the inner city and we provide what amounts to one and a half deputy probation officers as a part of our team along with the welfare and attendance people of the schools and so forth in working with these three junior high schools. That is the only—that would be—this is a $200,000 grant, so we would have maybe $20,000 of that.

Mr. **Bell**. How does that program work? Do you find it successful?

Mr. **Kirkpatrick**. Well, the reports, up to now, the evaluation reports indicate that there is success with that program. We are—we have an outside evaluator. The probation department is not directly involved in the evaluation. Team post itself has contracted—I believe it is with the University of Southern California—I am not sure about that, for an evaluation. They—it is just really moving into that and we do not have any final results.

Mr. Bell. If money was no object and I recognize that this is not realistic, how would you proceed to eliminate all juvenile delinquency problems in the schools and the community?

Mr. Kirkpatrick. Well, I think I have given a clue in one area and that is to provide additional staffing to move into the schools themselves, to move in with the full group of agencies that is involved and that would be the district attorney as well as the public defender and all who are involved in this juvenile process. We have a program at the present time that we are very anxious to have funded called the juvenile justice center. Perhaps that has been discussed with the committee already today, but this would provide a decentralized juvenile court in the inner city area which would be composed of the various representatives of each of the agencies that are in the juvenile justice system along with the court. This would act as a kind of a body that would consider all cases coming in, determine whether or not this youngster did need to be brought into the system, and, also, perhaps be diverted out of the system, would be well aquainted with the resources of that community. This is one immediate expenditure that we would like to have from the committee right now, and frankly we are trying to get some LEAA funds right at the moment for that. That is certainly one thing. The other would be the school liaison that I mentioned there. I think that there needs to be lower caseloads for probation officers to really deal with the more disturbed and more delinquent kind of youngsters, and certainly Federal funding for those kinds of programs.

Then, I think the whole area of prevention and what we can do to put the probation department out of business really would be where I would concentrate many of my efforts.

Mr. Bell. What percentage of the juvenile offenders do you feel are actually school dropouts?

Mr. Kirkpatrick. Well, I really cannot tell you what percentage. I can tell you that those youngsters who go into our juvenile facilities program, 90 percent are school failures. This is the kind of youngster that has to be removed from the community. We find that where we have to place youngsters, even in private institutions, about 60 to 70 percent need to be placed in some kind of facility where there is school on the grounds. They cannot really adjust and make it initially in the normal public school setting. So, many of our facilities have resources where they provide school within the program of the institution.

Mr. Bell. Well, then, you do have programs for dropouts?

Mr. Kirkpatrick. Well, I guess that perhaps to some extent, unfortunately, they have to come into the criminal justice system in order to get that kind of a program. The community day center is a typical example. But, in each instance, if we are going to put a youngster in a program and the custody is being removed from the parent, of course, then we do have a juvenile court hearing and a court order in order to provide those kinds of programs.

The probation department does not operate any kind of a dropout program per se. That is continuation schools and so forth by the school system.

Mr. BELL. Mr. Hawkins.

Mr. HAWKINS. Mr. Kirkpatrick, in your statement on page 11 you speak of the 110 students——

Mr. KIRKPATRICK. Yes?

Mr. HAWKINS (continuing). Who were expelled for violent offenses. You say that the probation department received referrals for two-thirds of these offenses. Then you make this statement, "Either the schools or law enforcement agencies apparently felt that there was not sufficient cause for a referral in 36 cases of assault with weapons."

Would you expand on that statement?

Mr. KIRKPATRICK. Well, we did this as part of a preparation for another program or meeting on the problems in the school at the instigation, really, of the school itself. We felt that the 134 expulsions that the city board of education actually acted upon in the 1972–73 school year—this conclusion did not explain why those cases did not come, but we followed them up and found that in those particular instances there, they did not come to the attention of the Probation Department.

Now, it might have been that there was some other kind of diversion program that was available at that time for those particular cases, or it may well be that after investigation there was some indication that the incident itself was not that serious. I should add that the other 24 cases are not included that were drug related cases, where it did not actually involve school violence, but where there was some kind of possession of dangerious drugs.

Mr. HAWKINS. In other words, you have no knowledge of what happened——

Mr. KIRKPATRICK. To that 36——

Mr. HAWKINS (continuing). To the 36?

Mr. KIRKPATRICK. That is correct.

Mr. HAWKINS. Does anyone have a knowledge of such facts?

Mr. KIRKPATRICK. Well, I think the school itself perhaps would have. I am not sure.

Bob, do you know offhand?

Mr. TOTSCHEK. Well, the school may not have the full facts on that either because the process is such that, as I understand by law, the school is required in those cases where it deems it to be a violent act, to refer it to the police. The police upon investigation may not feel it necessary, or for some reason engage in some diversion for some of the juveniles that were referred to them. So, there is a two step process here and I believe one would have to followup not only with the Los Angeles City schools, but also with the Los Angeles Police Department in order to account for what happened with each of these other juveniles.

Mr. KIRKPATRICK. Do you think that there is no record keeping of these, or is it that you just do not know what did happen? It seems to me that someone should know what happened.

Mr. KIRKPATRICK. Yes.

Mr. HAWKINS. Whether they are walking the streets, or whether there has been a referral to some corrective program, as well as those were expelled for narcotic offenses. Would you have knowledge of what happened to them?

Mr. KIRKPATRICK. We would not have knowledge unless they were in fact referred to the probation department. Then we would, of course, start our records from that point in time.

Mr. HAWKINS. Then, you have no knowledge as to whether they were in any way treated——

Mr. KIRKPATRICK. No, we would not.

Mr. HAWKINS. That would not be your responsibility, I assume?

Mr. KIRKPATRICK. That is right. If they do not come to the attention of the probation department, then we would not have any mention of it.

Mr. HAWKINS. Mr. Kirkpatrick, do you believe that the preventive efforts of your department are really adequate or would you like to see them expanded, and, if so, could the Federal Government be of any assistance in this direction?

Mr. KIRKPATRICK. I certainly feel that they could in terms of providing funding. In Los Angeles County, the probation office, per se, does not have the responsibility, at the county level, for the prevention. That is the department of community service. We are separated out somewhat different from other counties. But, I certainly feel that the Federal Government could well finance some of the diversion programs that we have been talking about as well as some of the remedial education programs. There is reason in my mind why some of the school systems should not be operating community day centers and special school programs which I think would really identify some of these problems. Then, I also believe that there is a responsibility on the community itself as well as the schools to identify some of these youngsters very early. It is reported to me that even at the third and fourth grade level there are certain symptoms that become evident and I think that if we had programs that we could really move into in terms of special attention, in the other area I think there is a crying need for parental education programs.

We have had some of our probation officers, one of our psychiatrists qualify as an adult evening school teacher to provide parent education classes. Many parents do not know how to be a good parent, frankly. They do not know how to identify if their kids are using drugs. They do not know how to provide adequate sex education. They do not know why it is really necessary to know where their kids are. That whole area of parent education would be a very strong parental or prevention area.

Mr. HAWKINS. Is that what you mean when you say community involvement?

Mr. KIRKPATRICK. Yes.

Mr. HAWKINS. You are not talking about the broad community, you are talking about the involvement of parents and community organizations, religious——

Mr. KIRKPATRICK. Yes, in mobilizing the community.

Mr. HAWKINS. Are they in any way, other than what you have mentioned already, really involved in this entire process?

Mr. Kirkpatrick. There has been movement. Judge Sherman Smith of this county has been very actively involved in developing a parental education kind of program. The probation department worked with the city school system at one time also in terms of developing parent education classes. We felt that our involvement really was curtailed because we were dealing with the youngsters after they had come into the system and we felt that perhaps it should be moved back earlier in the process without having to have the youngsters into the juvenile system before we provided that kind of program.

Mr. Hawkins. I believe, at the beginning of your testimony, you spoke about some 50,000 referrals to the probation department.

Mr. Kirkpatrick. That is correct.

Mr. Hawkins. And then I think you enumerated the number which had been referred for the first time.

Mr. Kirkpatrick. Yes.

Mr. Hawkins. Also for the second time and so forth.

Mr. Kirkpatrick. Yes.

Mr. Hawkins. It is often said that the system is soft on offenders. What is your reaction to that situation?

Mr. Kirkpatrick. Well, I really—I would react by saying that it certainly is not soft on offenders. I think that it does tend, under the philosophy of the juvenile court law of California, to try and keep parents and children together. I think that this is expressed in the intent of the law itself and therefore children are returned to the community and to their parents.

But, I think that prior to, for instance, the adversary proceeding in juvenile court, when we were operating under the parent country doctrine, we probably were removing more youngsters from the community because we felt that it was not only a protection for the community, which we feel very strongly about, but we felt that with youngsters we could reach them earlier and get them into rehabilitative treatment programs.

With the present kind of adversary proceeding, with a defense counsel, of course, arguing against that and legitimately so, we have not been able to remove as many as the probation department, for example, has recommended.

Mr. Hawkins. How would you account for those who return the second, third and fourth time?

Mr. Kirkpatrick. Of having come back a second, third and fourth time, you mean?

Mr. Hawkins. Yes.

Mr. Kirkpatrick. Well, I think you would have to look at that on a case-by-case basis, in other words, what has been the kind of offense, what is the kind of family, the circumstances, what are the available resources. I would say that where you have serious violence and so forth there, a goodly number of those youngsters, as I have mention, we found that out of the 3,000 cases involving that, that 83 percent of them were brought into the court system for a court decision and, of course, if the court feels that there is in fact a danger to the community, then there is strong inclination, unless defense counsel can convince them otherwise, they should be removed from the community.

Mr. HAWKINS. At no place in your statistics have you indicated any ethnic breakdown. Do you have what would be a rough ethnic breakdown?

Mr. KIRKPATRICK. The total referrals to our department, I would say, it is about 50 percent coming from minority groups.

Mr. HAWKINS. All minority groups would be included in that?

Mr. KIRKPATRICK. Yes. That is essentially it.

Mr. HAWKINS. In statements that you have made as well as other witnesses, there is a somewhat vagueness as to statistics. The admonition, in most instances, that a lot of knowledge, or a lot of facts are not known, or that they are inadequately kept at this time. Would you think that this is a very fair evaluation that we are not doing a good job, but better than a mediocre job of gathering statistics on the subject at the present time and that perhaps this is a field in which the Federal Government might give some assistance?

Mr. KIRKPATRICK. I would certainly feel so. For example, a study of what constitutes the arrest of juveniles was made by the University of Southern California and it indicates that there is no common definition of arrests, for instance. So, statistics concerning arrests vary in accordance with the particular policy or criteria used by law enforcement agencies.

In addition to that, there are numbers of different systems that should be coordinated. It sort of goes, Congressman Hawkins, to what I said, we must look at ourselves as a system and we need a common statistical basis of record keeping so that we all are talking about the same statistics and I would strongly advocate help in that area from the Federal Government.

Mr. BELL. If I may interrupt you, that is exactly what our Safe Schools Study Act does, it goes back and gets that information for a 5-year period back.

Mr. KIRKPATRICK. Very good .

Mr. HAWKINS. That is one of the reasons I asked the question. [Laughter.]

Mr. HAWKINS. I wanted to help you out, not that you needed my assistance.

Referring just briefly to the question of ethnic breakdown, how do you account for the disproportionate number of minorities included in those figures that you gave?

Mr. KIRKPATRICK. Well, I would go back to what I said in terms of the profile of the delinquent youngster coming from a disadvantaged background, culturally, socioeconomically, and I think that essentially the inner city group where there is a high delinquency area and I think that that undoubtedly is the major cause. I think it is because of the fact that there is a disadvantaged culture there and the poverty, if you will, and I think that that really contributes toward the overall incidents of delinquent acts and the reason that we get that kind of referrals.

Mr. HAWKINS. Thank you, Mr. Kirkpatrick.

Mr. BELL. I have a couple more questions.

The drug abuse education programs operated by the public schools, do you think they make any difference in the reduction of drug and alcohol abuse problems?

Mr. Kirkpatrick. I think that my answer would be that I question whether they do. Now, I think that there are some programs that I am aware of where there is some indication that education does work. I think that for instance where the—I can think of one program, interestingly enough, that is operated by the police program where they have hired an exaddict that they feel is doing a very successful job of working with young people, going into the various schools, and providing that kind of educational program. I think that unless you are really very sophisticated in the whole narcotic and drug scene, that—if a teacher who really does not know that scene, the kinds sometimes are even more knowledgeable than somebody giving the course.

Mr. Bell. Does your organization have anything to do in this field?

Mr. Kirkpatrick. Well, we have a large number of youngsters, of course, on our probation caseloads that have been brought before the juvenile court because of delinquent or drug related offenses.

Mr. Bell. Yes?

Mr. Kirkpatrick. We are not doing as much with them as we are with adults. We have a very comprehensive kind of drug control unit program with drugs where they use urinalysis testing, skin, skin checks and this kind of thing. But, we have not yet moved in to juveniles with that kind of program. We are really thinking that the drug problem is also related to many of the other problems and we work in terms of counseling and guidance and this sort of thing.

Mr. Bell. Earlier today one witness suggested that there should be one overall master agency to coordinate all of the juvenile delinquency problems.

Do you agree with this ideal?

Mr. Kirkpatrick. Well, I——

Mr. Bell. And, if you do agree with it, what organization do you think could handle it?

Mr. Kirkpatrick. Well, I have been on the record on this before. I do think that there needs to be a coordination, an agency which includes the various departments and agencies in dealing with the problem of juvenile delinquency. I do feel, however, that each of the agencies should lose their identity. In other words, I think that the probation department should continue to be a probation department with a Chief probation officer. I suppose this natural, in part. But, I am looking at it on a more global point of view that you do have your independence and your independence of being able to recommend to the court. But, I think that we are closely identified with the court, with the district attorney, with law enforcement, with the schools, this group, all of whom impinge upon the life of all of the youngsters and I believe that some kind of a coordinative person or body of the justice agency, juvenile justice agency, would help to (1) address Congressman Hawkins' question about uniformity of recordkeeping and statistics and also coordinating the effort of the various agencies.

Mr. Bell. Well, thank you very much, Mr. Kirkpatrick and Mr. Totschek. I want to tell you how helpful and how informative your testimony was.

Mr. KIRKPATRICK Thank you very much, Congressman Bell.

Mr. BELL. Our next witness will be Mr. Roy Evans.

Mr. Roy Evans is the founder and executive director of the bridge back drug rehabilitation program. He serves as special consultant to the Los Angeles County drug abuse program.

Mr. Evans.

Mr. EVANS. Thank you.

Mr. BELL. Would you please introduce your guest?

Mr. EVANS. My guest is Mr. Thompson. Mr. Thompson is here as a citizen today, although he works for the Los Angeles County Probation Department.

Mr. BELL. It is nice to have you, Mr. Mr. Thompson.

Mr. THOMPSON. Thank you.

Mr. BELL. If you have a statement, it will be submitted to the record. You can either read it, or summarize it, whichever would be preferable.

Mr. EVANS. I will attempt to summarize it briefly and answer whatever question I am able to answer to the best of my ability.

STATEMENT OF ROY EVANS, EXECUTIVE DIRECTOR, BRIDGE BACK, INC., LOS ANGELES; ACCOMPANIED BY ED THOMPSON, LOS ANGELES COUNTY PROBATION DEPARTMENT

[The prepared statement of Mr. Roy Evans follows:]

PREPARED STATEMENT OF ROY EVANS, EXECUTIVE DIRECTOR, BRIDGE BACK, INC.

The purpose of this report is to present and to further define the need for the provision of comprehensive federal approach to the overall prevention and treatment of juvenile delinquency, especially in schools. No doubt, the problem is dramatic and demands attention.

In dealing with the problem of delinquency and violence on campus, we first acknowledge the validity of the California State Department of Education Report, Conflict And Violence in California High Schools, 1973. The report is by no means definitive. It does, however, offer a comprehensive view of the problem that we are confronted with. There were several significant findings in the report, but, we feel that most significant are the following general conclusions that were presented:

1. Staff, students and community members frequently have different views about causes of situational conflict (disruption associated with specific local issues such as regulations in the schools).

2. Practices in the schools are perceived by minority groups as a continuation of a long history of discrimination, exclusion, and denial, help to cause intergroup conflicts.

3. The causes of criminal behavior on the campus are complex, reflecting the problems of the larger society.

It is our opinion that the conclusions are valid on the surface. The first conclusion, however, merits more attention. This conclusion states that there are three varying views about the cause of delinquency and disruption on campus.

"The student views the problem as stemming from unfair and authoritarian practices on the part of the school and administrative staff. This entails poor services, lack of student role in decision-making, tracking, oppressive school policies, and discrimination.

"Administrators, counselors, and teachers suggest a different set of causes. They related to excessive, administrative paper work, poor facilities, teacher disinterest, drugs, and negative home values.

"Parents, however, suggest still other causation factors. They related to crowded schools, lax school discipline, irrelevant curriculum, outside agitators, and poor communication between school and law enforcement."

From all indications, several factors have a direct impact on the problem of delinquency in the schools. We in the agencies who have worked directly with the youth who have been labeled as delinquents in schools, we, who have worked with these students who have not been able to function in the educational system, and we, who have worked directly with these students who have been placed in the justice system or are in danger of getting into the justice system see more profound and distinct implications which range far beyond the measures or causation factors suggested by the three groups, because from each of their perspective levels and point of view, were all correct:

But, I feel that it is important that we recognize that in spite of all facts that all of the groups consider themselves to be unique in terms of their specific problems and point of views, they are all closely related as members of the larger society. This point is of significant importance in that it provides us with a common bond that forces us to look at the underlying problem, which is present in reference to conflict and delinquency in society, with that being, the inability of people to see their similarities and work together in a combined effort. This fragmentation does not only apply to parents, teachers and students as specified in the three groups but; it's present within all ethnic, religious, social and economic groups in society. The school system is only a small part of the problem which has penetrated all strata of society from the local level to the federal level. But, I can't help but relate to how the best planning comes to a halt because of conflict inherent in our system. New conflicts develop because of that conflict and in the midst of it all, the intent of the bill gets shackled down. Will this be the case with HR 6265 also?

Let it be said, at this point, that I fully support the bill for what it is attempting to do yet; I maintain that we have got to look beyond the physical needs defined in the bill such as research evaluation and training because it is my position that any program that established with new laws, new ideas, new structure and infiltrated with the same status quo methodology is doomed to fail. I feel that this relates to the fragmentation of federal programs.

Let's assume that there are three basic types of people. First, we have the little people who naturally see things from a little point of view. They can't cope with new ideas, new beliefs or concepts. They hold tight to old methods and procedures. They hold an *excessive need* for accomplishment, power and/or affluence. They are addicted to excessive envy, hate, greed and jealousy.

The medium person has all of the same qualities as that of the "little person" he has an additional characteristic, with that being, that he has been traditionally educated and is seen as a professional.

Finally, we have the big person who has acquired an adequate degree of self-worth, accompanied by vision and insight that allows them to deal more effectively with issues and problems without being totally shackled down by the conflict of self and others.

A major question at this point may well be how does this relate to delinquency. But, hold on to my basic thesis that delinquency in schools or wherever is only a part of conflict and fragmentation in larger society. Let's think about drug abuse for example—putting it even close to home, let's think about drug abuse in Watts. Now, some "big people" from in this little ghetto ventured to the unknown and began to tackle a problem that had not been tackled before. Now, the justice system did do their part—but; it was with a different level and motivation than was these "big people". Now these few "big people" were concerned enough about the problem that they drew the attention of "big people" on top. This resulted in the formation of Public 92-255. This was an innovative step. A major point here is how conflict can all but destroy an innovative idea. The "big people" at the bottom who changed the idea of once an addict always an addict were intelligent enough to initiate the concept. They were not intelligent enough, according to those who now coordinate the drug program, to help others to learn how they pioneered the concept because they were lacking in that they did not have the traditional certification or education. It was, however, recognized that there was a need to remove the drug coordination from the justice system. We started off on the right foot—we placed the coordination in the office of the President. We cut off our other foot, however, when we failed to give the coordinator's office the economic and policy setting power over the education and justice systems that is a part of drug abuse prevention. It seems vivid that an innovative bill can so very easily be killed off by "little people" in big places. The fragmentation which initiates in the big places systematically spills off into the little places with one of them being the schools.

Go on to the state level. We place all of the responsibility of drug coordination in the health field. No doubt, in my opinion, the health field can not adequately coordinate the education and justice system. No doubt, in my opinion, conflicts held back innovative progress right when we were on the threshold of moving out of the darkness of drug abuse and a degree of crime and delinquency and my question now—which I feel is a most pertinent one—is will this bill be the same as previous ones?

Based on what I have said above, I feel that we will not began to solve the problem until we have a coordinated office with it having the power to coordinate service, justice and education.

A second major flaw that I view in the bill is that it provides no jobs. We are constantly feeding the intellect, with the traditional educational system and providing for no viable means of economic stability.

How does all of this link to delinquency? As larger society, we are constantly dealing with conflict—even now, with this bill. But, while we are in conflict, the final product, the children, or as we have chosen to label them, the juvenile delinquents are suffering. Whereas, we are trying to help, but we end up with 80% or more of our time in conflict with lack of understanding.

Special emphasis, at this point, should go back to the fact that despite of the level of the conflict—little, medium, or high, each level feels that he is right—according to his perspective. In his perspective, he is. I feel, however, that we must go beyond these individual perspective, in our provision for prevention and treatment of delinquency. My purpose, however, is to present an insight from my perspective—recognizing that I have never, nor am I now, nor shall I ever view the picture from all sides, top and bottom. My intention now, is to present recommendations that I feel are needed for the provision of a comprehensive federal approach to the overall prevention and treatment of delinquency.

1. The coordinators office should be empowered to coordinate all delinquency prevention funding relating to education, justice, public and private service systems. This will help to alleviate systematic and group conflict.

2. Jobs should be provided. We needs to put a halt to the constant feeding of the intellect without presenting any viable means of stability.

3. Finally, all efforts should be made to distinguish and utilize all persons who have training, experience or special knowledge concerning the prevention and treatment of drug abuse, regardless of whether or not their training and experience is a result of formal academic achievement. These persons should be utilized at all levels of coordination in federal, state and local level—including national and state agency boards.

PROVIDED IN THIS SECTION ARE SEVERAL INNOVATIVE PROGRAMS

Bridge Back, a private, non-profit organization was organized in April, 1968 with its major purpose being to assist drug dependent persons in overcoming their handicaps in order to increase their ability to cope with themselves and their environment as well as to increase the well-being of the community at large. Its purpose too, was to establish a visible physical location that could be recognized in the community as a place where drug abusers, youth and adults, could receive or be directed to help.

Recognizing that the problem of drug abuse goes well beyond those medical symptoms and affects displayed by most addicts, it is the project's aim to provide services beyond medical treatment and temporary housing, to include cultural, education, vocational, and recreational services. Generally speaking the Bridge Back Drug Abuse Center maintains the following broad program objectives:

(a) To reach drug dependent persons who have lost contact with self, family and the community, in short, who feel alone.

(b) To determine from the members and any other appropriate source, the methods used in living a drug free existence and methods resocialization by actual experience.

(c) To provide a setting and the tools that are conducive to developing new life styles that are self gratifying as well as socially acceptable.

I. Youth and Adult Direction

This program is designed for persons, ages 11 and up who are diverted from the justice system. The client attends group sessions for a minimum of six (6) week period, whereby the staff helps him to determine if he has a problem and if so, what the alternatives are that may be used to alleviate the problems. The programs assists him in becoming aware of the ramifications of drug involvement. The individual also receives assistance from the following supportive services that are offered in the Diversion Programs:

1. Psychological Evaluation by Licensed Phychologist.
2. Group Conference.
3. Individual *Counseling* Conferences.
4. Education Guidance.
5. Urinalysis Testing.
6. Vocational Guidance.
7. Follow-Up.

II. Nonresidential program

This program is to compliment the six (6) month residential. It consists of three (3) types of persons:

a. Persons having completed the six (6) month live in program.

b. Those persons who have completed the six (6) week Diversion Program and feel the need for extended services.

c. Those persons who are self referred or referred by another source and acknowledge the need for residential services and there is no immediate space available.

This component is supported by the following services:

1. Individual conferencing at a minimum of once weekly.
2. Group conferences at a minimum of twice weekly.
3. Educational Guidance.
4. Vocational Guidance.
5. Psychological Evaluation.
6. Urinalysis Testing.
7. 18–Month Follow-up.

III. Residential

Bridge Back residential program, which has a statis capacity for seventy-five (75) persons is designed for male and female persons, 18–up. The individual resides at Bridge Back for a minimum of 6 months period whereby he is assisted in his individual growth by following supportive services which are offered to him.

1. Detoxification with medical back-up.
2. Group Conferences 3 times weekly.
3. Individual Counseling daily and as needed.
4. Medical Work-Up.
5. Laboratory Testing.
6. Educational Guidance.
7. Vocational Guidance.
8. Psychological Evaluation.
9. Urinalysis Testing.
10. Recreational/Cultural Activities.
11. Follow-Up.

In addition to the above named programs, Bridge Back offers a 24–hour hotline service and a speaker's bureau designed to enhance community awareness.

O.R. RELEASE UNIT

The Superior Court O.R. Release Unit a community-based, non-profit organization, does investigations and makes recommendations for O.R. The Project will provide community-based support and follow-up for that program. Two Community Workers will be assigned as liaisons to the Superior Court O.R. Programs.

1. Project staff will facilitate the O.R. investigation by assisting the defendant or the person making the referral in completing the initial application.

2. Receive referrals from O.R. Units when the O.R. Unit staff determines that someone they are recommending for release could benefit from the project service in the Greater Watts area. The process is

a. Liaison Worker will provide staff with up-to-date information on the service available and how they are functioning.

b. Staff will make referral directly to the Liaison Worker by a phone call, a referral form, or both.

c. Liaison Worker will contact referred person and followup with service as planned, either under O.R. Release follow-up or a complete self-development plan.

d. Liaison Worker will provide O.R. staff with a weekly and/or monthly report on what is occurring in the follow-up.

3. Offer services to all persons applying for O.R. Release with Superior Court who live in the Greater Watts Area, regardless of the action of the O.R. Unit or court.

a. Liaison Worker should review list of applicants each day and identifies those living in the Greater Watts Area.

b. Make calls, send a letter and/or visit person in jail to explain the services available in the Project and find out if there is any way that he can be assistance.

c. If person does wish assistance, follow-up with an individualized plan of action report.

d. Provides O.R. Unit with a list of any persons who become participants in the Sons of Watts program, and if the person is released on O.R. provide unit with a monthly report.

4. Assist O.R. Unit when they are not able to make contact with one of their cases on O.R.

a. Receive information from O.R. Unit regarding the problem the name, address, phone number, and court date.

b. A Community Worker will call and/or visit person at home to inform him or his family of the fact that the O.R. Unit has tried to contact him and that the Project is able to assist if he is having a problem.

c. Put out the word on the grapevine that O.R. Unit is trying to reach a particular person and request that he contact project staff.

d. Report back to O.R. Unit the results within 72-hours.

5. Provide follow-up services on failures to appear.

This is a program idea envisioned by one of the O.R. staff members.

Expanded services would provide a community living center for young men between the ages 11 to 22. The House would accommodate a capacity of 15. The following goals define the purpose of the program:

1. Development of a community living center for youth ages 11–21 that will provide a complete program to serve the needs of clients.

2. Provide a positive success oriented community center with each individual becoming aware of his responsibility to himself as well as society.

3. Develop positive emotional, educational, and vocational patterns of growth.

4. Equip each client with skills necessary to function within the community in a socially and legally acceptable manner.

5. Instill a sense of self worth and self development by allowing each individual, with the assistance and guidance of staff advocates, to establish his own priorities.

6. Expose each client to all available community resources and public service agencies.

7. Provide opportunities for clients, with the support of staff advocates, to establish through their own ingenuity and effort, enterprises that may eventually lead to financial stability and independent placement.

8. Individuals in need of a drug treatment counseling program.

9. Family counseling.

10. Those who are in correctional institutions preparing for community placement.

11. Those who will be awaiting court appearances.

12. Those who must make restitution for property offenses.

13. Those who have failed all existing state and county programs and have no other resources available.

14. Those who do not meet established criteria for local placement or who have broken rules of other community programs.

15. Those who are not able to function within a family unit because they will not abide by rules of the household.

16. A short term or temporary placement for those who are in need of food, shelter, resources, and assistance.

17. Shelter and assistance for runaways.

18. A referral service for any individual in need of assistance and information.

BIOGRAPHICAL SKETCH

Mr. Evans is the Executive Director and Founder of Bridge Back, Inc which was established in April, 1968. Bridge Back's primary program is a drug rehabilitation Center, that provides a 24 hour community hotline; outreach program for community awareness; medical detoxification coed residential program and a development center to include members under 18 years old and for those members having returned to the community into what is known as third stage.

For the past 18 months, he has held a dual position as the Executive Director and Project Director of the Bridge Brack Corporation and Program. He has been an employee with the Los Angeles County since January, 1968.

As Special Consultant to Los Angeles County Health Service Administration, Mr. Evans assumes responsibility for identifying drug problems of special community groups and recommending new programs or policy modifications to meet these needs. Collects and processes information on community drug as a liaison between the County Health Officer, his administrative staff, State and local officials, and minority communities. Participates in the community, preparing community residents for implementation of new programs and program changes to insure the maximum benefit to all concerned. Recommends solutions for identifiable community relations problems and assists in their implementation where possible.

Mr. Evans has been actively involved in the community at large and state wide. He has loaned himself as a resource person in many capacities. Seventeen years of his life were lived as a drug dependent person and during that time was continuously involved in criminal behavior that led to numerous arrests. In 1961, finding absolutely necessary to examine and reconstruct his basic belief in order to acquire whatever degree of freedom he enjoys today, he deferred himself to live-in training at Syanon Foundation, Narcotics Anonymous, Teen Challenge Center and Narcotic Symposium.

Since that time, Mr. Evans has completed several advance studies at University of California at Los Angeles and the University of Southern California. He has fulfilled over 350 speaking engagement requests from public organizations and community groups. He has been utilized as a resource person over 200 times. In addition, his services have been solicited by television and radio programs on 21 occasions. A major film production, "Up Front" made use of his knowledge by having him serve as Chief Technical Advisor, recruiter of participants, moderator and narrator. He has an extensive membership in local, state, and national level. This includes the State Drug Abuse Prevention Advisory Counsel, established under Public Law 92-255; and the State Technical Advisory Committee established under Senate Bill 714, Section 576415 of the Welfare Institution Code. Honors and Certificates of Achievement has been presented to him, including the Mayor's Certificate for Meritorious Service.

Mr. EVANS. Generally, in my statement, I am acknowledging the California Department of Education's report, 1973, that deals with violence in California high schools. I think the most significant thing for me in that report was the fact that in the general conclusions it was stated that school staff, students, and parents saw the problems, or the causes of the problem from somewhat different views.

I think that the causes that they gave were very realistic. I think that all of those causes were valid from their point of view. And, I think that what is even more significant is that it appears that they saw themselves as unique in terms of what their views were. It also appeared to me that there was no communication or capability on the individual's part, the individual group parts to help each other. I see that as being very significant because for me I see that not only in those three groups, in the group of parents, students, and teachers, but I see it rank and file throughout our society on every level from the top down to the local community. It is a kind of fragmentation based upon conflicts of views. I think that this is doing a great deal toward destroying any efforts, innovative efforts, that this committee or any other committee in the Federal Government would attempt to implement. I am recommending certain steps, hopefully they will be considered. At this point I am open to questions.

Mr. BELL. Well, thank you, Mr. Evans.

Mr. Evans, relative to what you just spoke about, the fragmentation of views within the Federal Goverment, or within any other organization, how would you correct that?

Mr. EVANS. I think that I corrected certain deficiencies in my own life I found the process that I continue to use today. That is, to become aware that it is actually happening, you see, first. If we overlook that particular factor, then certainly we can do nothing about it. If we can become aware that it is happening and we can become aware to a great extent. I look back just a few years ago and we said, "Once an addict always an addict." I notice now that all of these different fragmented agencies, organizations, groups, and cetera, have accepted, to some extent anyway, that that is not necessarily true.

So, we want to become aware, first, that this actually exists and keep this in the forefront of our minds as we attempt to implement innovative ideals that come down, or come from innovative people.

We need to keep in mind at the time that many people—I think all of us, I might dare say, are afraid of change. To continue in the status quo is more comfortable for us even though you may be uncomfortable in that.

If we have been uncomfortable long enough, we can even become addicted to that. As a result, we find ouselves in a position where we had rather remain uncomfortable than to move into a comfortable situation because a more comfortable situation appears to not be comfortable for us.

Mr. BELL. You spoke of the concept that still exists today that once a drug addict always a drug addict.

Mr. EVANS. Right.

Mr. BELL. Is that the case no matter what the particular drugs is?

Mr. EVANS. I think that that depends on the individual.

Mr. BELL. You think that the drug that he is on is the difference?

Mr. EVANS. I think that for many people the type of drug he is on, as far as that concept is concerned, is changing. If I had to dare guess why, I think that many people feel it would be much simplier and much easier to legalize certain drugs and kind of legalize our way out of a situation. As a result, it appears to me that there are many people who are beginning to separate drugs in terms of that concept.

Mr. BELL. On page 2 of your statement you say that we can focus on research and demonstration and simply evaluate the results. Do we now have all of the answers to eliminate juvenile delinguency?

Mr. EVANS. No. I do not believe that we—I think that we are in the beginning. I think that research and training is certainly a very significant part of moving toward a more realistic approach to juvenile delinquency or prevention.

Mr. BELL. Do you have anything specific to try and solve this problem?

Mr. Evans. I think that to be very frank with you, the bill that is being proposed, I think that this would be a giant step.

Mr. Bell. You feel what?

Mr. Evans. That this would be a giant step in the direction of resolving a great deal of fragmentation of views and direction, as I said before, in groups, systems and et cetera. I think that there are——

Mr. Bell. There are several bills. Would you like to make mention which one you mean?

Mr. Evans. I am talking about H.R. 6265.

Mr. Bell. That is the Hawkins bill?

Mr. Evans. Right.

I believe this because it offers the possibility of Federal coordination of programs throughout the Nation. I have had bitter experience with something similar to this concept in regards to my relationship with Public Law 92255. I have served as the council member on that advisory council at the State level here in California. I am concerned that many of the things that it appears has been considered in this bill was not considered in 92255. I am not trying to knock the bill or anything of that sort. I think also that that was a great step from where we came. But, I feel, from my point of view, that there is room for improvement. I see improvement in the effort to make certain improvements in this particular bill. I am concerned about the fact that I do not see anything in there about jobs for young people, particularly in the depressed communities.

I am also concerned about the fact that—I wonder if the same process will take place if this bill is passed as took place in 1965 where we established an office in the Executive Offices of the President and after a couple of years we shifted that responsibility to the Health Agency, the Health, Education and Welfare. It seems very unlikely to me that a coordinator of Drug Abuse is going to coordinate drug programs in law enforcement or in the justice system, or in the educational system unless he has the power to do that, you see. I think that those people can agree with him and this sort of thing and still go ahead with what they want to do.

Mr. Bell. Do you think that it is possible to coordinate all juvenile delinquency activities?

Mr. Evans. I think it is very possible. I think one of the greatest motivators in this country is money. When you start tangling with people's budgets, they get interested and they get careful, most of them.

Mr. Bell. Well, thank you, Mr. Evans, for a very excellent statement.

Mr. Hawkins. Mr. Evans, I have had an opportunity to briefly read through your statement and I appreciate the suggestions that you have made with respect to H.R 6265. I believe you have enumerated three suggestions.

Mr. Bell. Excuse me, Congressman Hawkins.

Mr. Thompson, did you have a statement that you wanted to make?

Mr. Thompson. No, I was just here to give him support on the proposal that he presented and any questions that you might have dealing directly with with the violence in South Central.

Mr. HAWKINS. Again, Mr. Evans, with respect to the three suggestions that you have made, I certainly agree with the one which pertains to coordination of efforts. However, the purpose of the proposal to do that at the local level, which we obviously cannot do, I would hope that we could encourage it, though, and also to possibly in some way bring it together at the Federal level some coordination type of agency which I think, though it is sad to say, is missing at the present time.

I would certainly hope that we could strengthen the bill in that regard and I certainly agree with that recommendation.

I also agree with the third recommendation that you have made with respect to the utilization of the persons at the community level who may not, in a formal way, have the academic achievements and credentials. I would certainly be very amenable to incorporating that concept in this proposal. However, I doubt if in this bill we could actually create jobs. In other words, I would think it is not really a job creation bill. It is a program bill rather than one which creates jobs. Having said that, however, I would hope that in other bills which we vaguely refer to as manpower bills for which I will apologize to the females present——

[Laughter.]

Mr. HAWKINS. We must refer to them as such because they are so designated. It is not because we wanted to designate them that way ourselves.

But, I would think that in these bills we should provide the jobs in this particular field as in other fields and so specify because I feel that many who have had the experience in this field certainly would make some of the best employees in terms of the programs involved. And, I would certainly hope that we would write into such legislation a requirement that a very substantial percentage would be individuals drawn from the community and not with any rigid or restrictive set of requirements as to their eligibility for the jobs available.

In other words, I certainly agree with the thrust of what you say and we will, obviously, consider it.

Mr. Thompson, I would, however, like to ask you some rather specific questions based on your experience, both within and outside of the system which we have been talking about today. I suppose by the system we refer to the juvenile court system. I would like you to make some distinctions as to whether or not within the system we are proceeding as constructively as we should be proceeding and if there is a sharp distinction between what you do as a part of that system and what you do on your own outside of that system if you are in a position to answer freely that type of a question, not by virtue of being a part of the system, but merely as a citizen before this committee.

Mr. THOMPSON. I would be more than happy to.

I guess my feeling would have to go back 3 years ago. I was assigned to California High School for students who could not adjust in the regular schools. At that time there were no gang problems in Los Angeles. I was assigned there as a liaison probation officer with the schools. At that time they closed California High School down, in 1971, and to all of our dismay after the closing of California High School, the gang developed and enlarged all over the city of Los Angeles.

When I speak of gangs, I speak of black gangs. It was really amazing that these young people from California High School had the organizational ability to develop an organization that has hit us like we have seen it today. At that time we saw fit to call in the head—when I say we, this was a citizen's task force, people from the district attorney's youth advisory council, the Team Post, the CYA, and also citizens groups from Malcolm X organizations. We set up a task force of people to go out and deal with these young people. We saw then the monster that we have now. So, we had a meeting with all of the heads of the county officials and asked them to take some steps and take some commitment to come up with some idea to move on the situation then. We did not get a commitment.

Mr. HAWKINS. That was what year?

Mr. THOMPSON. That happened in 1971. At that time it was only the Westside Cribs. We did not get a commitment and now we have a nucleus of gangs that is completely—the Crib Gang has grown to over 4,000. And, we saw the situation growing and it grew like wildfire. It because a fad with the kids. They could kill a kid and get presitige from it and then the ones that were not gang members, they would join gangs to either protect themselves, or get the prestige.

Like today, we are in a dilemma where we are having complete gang warfare. The gangs that were not Cribs, the Bounty Hunters, the Pirus, the Brims—by the way, all of these gangs are in your area, Congressman Bell, these guys are fighting the Cribs now and it all-out war. So, the citizen task force, we are still out on the streets because we are concerned with the killing of young people. It is really amazing when you are out there and trying to prevent something and there is no hope. We have seen an incident where kids have gone in and out of the juvenile justice system and returned to the street. We have seen cold-blooded killers return to the street. It has become a situation where the kids feel that they can kill somebody and walk away and nothing will happen to them. This is why the kids kill with no malice whatsoever. They know that they can go down to the public defender and intimidate the witness and no witnesses turn up at the hearings and the courts have to dismiss the case.

So, this is a situation that we tried to nip in the bud in 1971. Here in 1974 we see a monster. At this point it may have gone too far, where it will not be stopped. I know the gang members feel that nobody can stop them. Locking them up will not stop them. We feel that the small task force we have, we would go to the forum, the palladium, the sports arena, anywhere that there would be a congregation of juvenile gangs. We would be on the scene to talk to these kids and identify them and talk them out of any kind of delinquent behavior.

However, we are only a small few and we have to give up a lot of our time. So far it has not become popular for those that are out there on the street trying to do these things; so that the few that are out there now, are less than the few that was out there before because of the pressures that have been applied.

So, the situation now is one where we see the continuous turnover of delinquent kids going into the system and coming out of the system.

Mr. **HAWKINS**. You said that you could have nipped them in 1971. Could you explain in what way. What would you have done if you had had the opportunity to do it, discourage the formation of the gangs, or the type of gang activity that resulted in violence?

Mr. **EVANS**. Well, at that time we were meeting with the Westside Cribs and like I state, they were a small few. They were willing to meet with this task force. We were in a position to try and get them jobs, try to get them in programs that you divert them away from gang activities and we could not come up with anything. We found out that these young people want something to do. For a job of making $1.25 an hour they would take pride in this. They would take pride in working part time. They would take pride in going to a park or school function because they know they could not go to a school function, they could not go to the park, nobody wanted them there. Not even the parents wanted them there.

So, what do they do? They go out and commit these horrible crimes in order to gain attention where they can show that they are somebody. I would say that at that time we had a small group that we could have gotten diverted into some type of program that would remove them away from the physical activities that they were involved in.

Mr. **BELL**. What are the age brackets of these gang members?

Mr. **EVANS**. Well, in 1971 the age bracket was 15 year olds up to 65. Today they are training the young kids that are 11 years old through 14 as hit men. So, the older group is getting too old, but we do know that the age group now is from 11 through 65.

Mr. **BELL**. You mean the older people are still in it?

Mr. **EVANS**. Yes, they are. The old people are the ones that can be used to buy ammunition, to be the fence, to take care of all of the things the young people cannot do.

Mr. **BELL**. Are they generally the brains behind the operation?

Mr. **EVANS**. Well, they are not generally the brains behind it. They are the tools that are being used. The brains are usually in the early twenties and late twenties and early thirties.

Mr. **HAWKINS**. Well, assuming that you could have done something had you had the sources available, let's face the present reality that too few people recognize what had to be done, or refused to make resources available to you. Obviously there must be some way of approaching these problems. I cannot believe that we need to be so pessimistic or be so bleak about the future that we dismiss these problems as being beyond some method of solving. We have had testimony about the tremendous needs for jobs, for example. It does not pay to just merely talk about correcting behavior unless there is some tangible way to deal with it. If you had to enumerate things that you believe would be required of you as an individual working in the community in communication with young people today, what type of resources do you think should be made available to you to communicate with young people on a positive level so as to encourage them in doing things that society would think would be constructive, and what do you need as an individual?

Mr. EVANS. Well, I feel that the resources are there. The only thing that is missing is money to finance the resources. The NYC——

Mr. HAWKINS. Mr. Evans: What resources are there?

Mr. EVANS. Well, parks and schools and different organizations in the community where kids could go and get a job.

Mr. HAWKINS. Well, some of these kids believe that the schools are not doing the job.

Mr. EVANS. Well, it is a situation where you take a youngster out of school and don't believe the schools are doing a job. They have a distaste for the school. They have a distrust.

Mr. HAWKINS. Are you saying the schools are not doing the job?

Mr. EVANS. No. I am not saying they are not doing the job. I am saying they are not doing as much to bring these kids back into the system that are out. You have to remember one thing about this delinquent kid that we are dealing with. He is sort of isolated where no one wants him. He cannot go to the parks, he cannot go and get a community job. He cannot go anywhere except to get in trouble and go to jail. So, the situation is one where I feel that the resources in the community could be utilized by hiring kids to work on the park grounds, making parks safer for the kids to go, make the schools safe.

The youngster who is a hard core kid, who is going to school and enjoying the school and working there, he would take pride in his job.

But, since he don't have no respect for the school, and don't have no respect for the park, don't have no respect for his community, the only thing he can do is show his frustration by striking out.

Mr. HAWKINS. Well, I certainly think that that has been the bulk of the testimony here today. I assume from what you have said that you believe, therefore, that the problem will become larger and that it will not be controlled by repressive measures. We must meet it with positive programs, that some of these programs would be to strengthen the schools so that the schools would be doing a better job of reaching the problem of communicating with the young people rather than, in a sense, pushing them out, closing them, or turning their backs on young people. Jobs are among the top priority that are needed in the community and instead of cutting back on these programs, we need to expand them.

Mr. BELL. Mr. Thompson, a previous witness described the leadership organization of a gang. He said it was sort of—there was not a real delegated leader and assistant leader and so forth on down the line: that it was just sort of the situation where in one area one would be the leader and in something else another would be the leader. You would have a social leader and that sort of thing. Do you find that to be the case, or is there actually a gang leader that could be dealt with?

Mr. THOMPSON. Well, remember that I am speaking of the black gangs and there is leadership, definitely.

Mr. **Bell**. There is definitely leadership?

Mr. **Thompson**. There is definitely leadership.

Mr. **Bell**. Well, this does not seem to be the case as far as this gentleman has testified on the east side. With the Mexican-American heritage that does not seem to be so much the case according to his testimony. You say that in black gangs there is definitely a leader?

Mr. **Thompson**. You take when an individual can call a meeting and have over 2,000 members of a gang meet, there is leadership.

Mr. **Hawkins**. I would like to get that many out to some of my political rallies.

Mr. **Bell**. We could take some lessons.

Now, describe a leader like that of a gang, is he usually the quickest mentally, able to understand problems and meet them and also the most courageous, is this the sort of thing—how do you describe a leader like that—can he be dealt with?

Mr. **Thompson**. He can be dealt with. But, you will find that a leader of this type would be the type of guy who is strong and whip everybody and will have a brain as his lieutenant.

Mr. **Bell**. You mean that he can physically handle everybody?

Mr. **Thompson**. That's right. Sometimes it will be the opposite, you will have a guy who is the weakest person in the group and only weigh 95 pounds and he is still the leader.

Mr. **Bell**. He has got it up here.

Mr. **Thompson**. He has got it up there. But, then the lieutenant is the guy with the muscle.

Mr. **Bell**. He is the muscleman, I see.

Is there any way, or do you think that you could have any success by changing these leaders and thus changing the gangs, their direction?

Mr. **Thompson**. As I stated before, the leaders and the gangs can be worked with. Our task force has proven this. They want help. They love to see you out on the scene, on the street where something is going to go down. You can go up and talk to them and talk them out of it. These guys all have guns, every kind of gun you can think of.

Yet, they will listen to you. There haven't any of us on the task force ever been shot. We have had guns pulled on us. We have not been shot. That means one thing, these guys want help, they are looking for it. They are crying out. So, when we are on the scene they won't do anything. This is why I feel that you need more people to go out into the streets and get to know these kids and deal with them and change their whole behavior pattern.

Mr. **Bell**. You need more of the right type of people. There are some people that I guess do not respond. They do not have a rapport. There is some way that some can go out there and another group cannot go out there.

Mr. **Thompson**. Well, I would have to make a statement that Roy made earlier. When you put a budget out there and put in specifics for this type of work, the people will come out.

Mr. **Bell**. They do not all have to be as big and strong as you are?

Mr. Thompson. Well, this is the thing. Most people ex-pro football player, big and strong and tough. But, believe me no matter how big I am, I could not stand up under a magnum bullet. These guys are shooting live shots. I have to have a charisma about me with kindness and be able to talk my way out of situations, or else I would have been blown up 3 years ago.

Mr. Bell. Do you know of any school programs which have been successful in retaining gang members in school and keeping them going?

Mr. Thompson. I have to go back to the opportunity school, California High School had all of the hard-core kids. But, to draw you a picture of this, California High School was at the corner of 9th and Hill Streets—I mean 9th and Grand. Being there it took in all of the black students from the whole area. When they closed it down, there was not any school for the black student to go to, but Jackson, which is in east Los Angeles and metro. We knew right then that there would be a problem with the black kids going to east Los Angeles because of the gang problems there.

So, a few of the guys that left California High School and went to Jackson had problems, they came back, they organized the Cribs and from that date the gangs went completely all over the county. Now, if they would put an opportunity school into the area, the black area, like the old Reese High School, and have it there where they could put these kids that cannot adjust in the regular school into these opportunity schools, this would minimize the problem. But, the other way when a kid did not adjust at Freemont High School, they transferred him to Crenshaw. When they transfered him to Crenshaw, then the gangs developed at Crenshaw. If they transfered the kids to Los Angeles High, et cetera, et cetera. Not only were the gangs in the Los Angeles schools, but in the Compton schools too. So, it was that kind of situation where they need a school where they can send these kids with special teachers.

Mr. Bell. That could be an important aspect?

Mr. Thompson. Yes.

Mr. Bell. One more thing about the gangs and the gang leaders, are some of those so-called leaders that you are talking about, are they usually dropouts, are they usually kids that are in school that are still sort of tough, or is there any pattern as far as that is concerned?

Mr. Thompson. Most of the leaders are dropouts. That is why they have so much bitterness in them now. They are not dummies by far. They are not dummies. But, they have had problems in the school, and the schools have found out that the easiest way to get rid of a problem is to kick it out. So, they are out of school.

Mr. Bell. They are usually deportment problems?

Mr. Thompson. Right.

Mr. Hawkins. I think Mr. Evans wanted to say something.

Mr. Evans. I would just like to say a few words in relationship to the school programs.

I have had the opportunity for the past 7 years to work in and out of the system. I spent five and a half years in Los Angeles County Department of Community Service, which is an effort to prevent delinquency. It is a kind of meager effort too. It is interesting that the only official delinquency prevention agency in the county of Los Angeles is probably the weakest agency, the smallest agency, has less clout than any other agency in the county as far as I can see.

I am not with that agency any longer. I am with Health Services Administration on leave of absence. But, I have only been away for about a year. What I am trying to say is that prior to those 7 years —I see myself when I look back as one of those youngsters. I talked to one just the night before last and it was quite interesting, the answers that he gave me. You know, I asked him why—you know—what do you think you are going to obtain by killing each other. He said, "Well, it didn't start out like that. I found myself surrounded by the situation. The next thing I knew I was in it. I found myself doing things that I never thought I was going to do." I look back on my life when I was a youngster about 8 or 9 years old and I began to drift into delinquency. I had the same kind of reasoning, it appears to me, that this young man has. He told me that there was no hope for him and that the youngsters felt that there was no hope. They felt that they would not get a fair shake from anybody, including their homes. They felt that they would not get a fair shake from the school. They felt that they certainly would not get a fair shake from the justice system. They felt that they could go nowhere, that there was nothing they could do except what they are doing. I said, "Well, that kind of amounts to suicide to me. You know, it is kind of like taking the approach 'O.K. cruel world, I will fix you, I will hurt me.' "

The youngster was a little bit stunned, I would say. It appeared as if this was new information to him. He talked in terms of he did not care if he got killed that night, this kind of thing.

I think it is a very sad thing—you know—that we have all of the money that we have in this county, that we employ all of the people in the service agencies that we employ in this county, and it is only a handful of people that can relate to these youngsters.

Now, what I was talking about in the school situation is that it appears to me also that these youngsters are very bright. I think when I was coming up I was very bright and I think that I am fairly bright now. I never attended a university in my life. However, I learned how to deal with internal control procedures, administrative principles, and what-not. Prior to that I learned about people and how to relate to people. Now, I was trying to imagine what would happen to this youngster if we could convince him to go back to one of the conventional schools. What I invision is that they would tell him the same thing that they told me the last time I came out of jail some 7 or 8 years ago. I walked into a social agency and I said, "I want to help people, I think that is what I am supposed to do in life." The lady told me, "You know, I believe you are sincere. I believe you could really do something. But, it is a sad situation. In order to be a social worker you have to go back to school and get your high school diploma and that will take you a couple of years and then you go to college and that will take you another 4 years and then you go to—you strike out for your masters degree and you will be able to do it then."

Well, you see, I could not wait. So, instead of going back to college, I began to work in the community. I also began to work in the county of Los Angeles as a trainee. I managed to literally—I do not recommend this to anyone, but I literally bored my way through all of the fragmentation of the views and prejudices and misconceptions and misunderstandings that exist in this county government up to civil service status. From that I went to the position that I hold now in the county.

What I am trying to say is that from the start, when I talked about fragmentation of views, I think this is extremely important. You can develop the most beautiful programs in the world, but if you send it down through that same old methodology—you know—where people are caught up in old fashioned beliefs, refuse to change, and insist on the status quo, they will very definitely destroy any kind of program you come up with.

Now, I want to say this and I will be through, unless there are some questions. If you remember a few years ago young blacks were very—I mean it is very interesting—young blacks were very interested in self-worth. It was kind of a national theme, blackness, they were talking about. O.K. A lot of people took that as a skin thing—you know what I mean. But, what it really meant to me was coming back to yourself, knowing who you are, learning how to stand on your own feet and this kind of thing.

Even through the efforts to develop this concept that was left by certain leaders that that are no longer with us among blacks, I think that it was a concept that if handled correctly could have developed into something where we would not see today the gangs and the killings and the suicidal approach that is being taken in the black community. I think we would begin to tap the resources of leadership that exist in the black community. We have a great nation here, great nation, a broad nation, a very rich nation. I do not have to account to you that there are a million in our nation that absolutely refuse to accept anything new, any new gift that might be of an advantage to this country.

Mr. BELL. That is a very good statement, Mr. Evans, I concur with a lot that you say.

Mr. Hawkins?

Mr. HAWKINS. Mr. Evans, with respect to your organization, Bridge Back, Inc., how is that organization funded?

Mr. EVANS. Up to today it is funded by HEW NIDA, National Institute of Drug Abuse.

Mr. HAWKINS. As far as this subcommittee is concerned, we will certainly assist you in continuing to be funded. I do not think that we have said anything here today that we want you to take offense at. I think you have been very constructive and my reason for asking is to see in just what way that we, at the Federal level, could be of assistance.

Mr. EVANS. I am certainly glad you asked that. I think it is also interesting to consider the fact that we have one of the largest residential centers for drug abusers in South Central Los Angeles. One of the major problems aside from all of the usual red-tape frustrations that get in the way of helping people has been the fact that we cannot find an adequate facility. I get a little burned up sometimes because I think about HUD, which is the first agency that funded us as a drug program. HUD happens to be a housing department. All of these 3 years and through all of our cries, they have seen no reason or rhyme to hook-up the idea—you know—that since they were a housing agency, that it might make sense for them to go in and assist in this—assist this program through housing the way we assisting it in drug services.

It is kind of confusing, you see. It is like one group does not talk to the other, this kind of thing. But, that is a major problem because in the black community there are very few facilities, very few facilities that will meet the standards. Many of the standards are new. They are required by the State and county and city of Los Angeles to house people. One of the things that we have wanted to do for a long time—we demonstrated—in our agency we have people from Folsom, San Quinton, Solidad, the county jail. We have people the System says cannot be helped. I feel that we demonstrated, you see. One of the things that we wanted to do was open a facility for young people. But, when you go to talking about opening a facility for young people, you are talking about a little bit more money than usually folks down in Watts can get ahold of. You are talking about having fire systems—built-in fire systems and all of this kind of thing. I think that is one of the main reasons that there are not more facilities in South Central. That is why I was hoping that this bill bill would bring people together, you see, and get them to work together. I think when you consider the diversion, that is another problem. That is where people are not working together. The probation, the law we have here in California, SP 714, requires that probation screen people for diversion. When you say that you are saying probation officers. Whether they are capable or not, they screen people end up—it means that those people end up often times in programs that they should not end up in. It means that you take a guy that comes in for Marihuana and you don't know if he is on pills or whatever. He ends up over here and the next time you see him, he does to—what it is that they have, the 12 movies in this educational program and when you see him again, he is on something else.

So, it is a very confusing situation, and I got a little bit away from what you were asking me.

Mr. HAWKINS. Well, it is a good answer.

Thank you.

Mr. BELL. Well, thank you very much, Mr. Evans and Mr. Thompson. You were very, very helpful.

Our next witness will be Counselman Ed Edelman. Councilman Edleman has been a member of the Los Angeles City Council for 9 years. He has served as counsel for the State legislature, the National Labor Relations Board, the House Committee on Education and Labor, the latter of which this subcommittee is attached.

Councilman Edelman, it is a pleasure to have you before the committee.

Mr. EDELMAN. Thank you, Mr. Bell, and my good friend Gus Hawkins.

It is a pleasure for me to be back as a witness before this August subcommittee and I have very fond memories of my experience in Washington working as counsel on the Special Subcommittee of Labor, which was headed by your good friend Jim Roosevelt.

STATEMENT OF HON. EDMUND EDELMAN, CITY COUNCILMAN, FIFTH DISTRICT, CITY OF LOS ANGELES

Mr. EDELMAN. I am here, and this is a long day—2 days that you have had. I certainly think that there is certainly no more important problem facing the city and county of Los Angeles than juvenile crime and what we call juvenile delinquency. I am appreciative of the fact that this committee is here in Los Angeles at this particular time.

I would simply say that there are many problems in Los Angeles and the area that I am now more familiar with relates to east Los Angeles. In east Los Angeles, as you know, we have had gang warfare and a lot of gang violence and yet there are some surprising and very encouraging programs that are being conducted in east Los Angeles to, I think, make a dent in this rising juvenile crime and delinquency that we find.

Now, these programs—I am speaking specifically of one program which I think I would call to the committee's interest. This is the Casa Morrovilla program, which is funded by the Clealand House, which is a private group of people supported by the United Way. This program basically seeks to change the direction of the gangs from destructive and antisocial behavior to constructive behavior, so to speak. What is attempted is to bring the gangs together and find a role that they can play in a constructive fashion in helping the community.

This is done not by so-called civil servants, or by college educated people, but by gang members themselves who have the ability to communicate with other gang leaders, not someone who is unknowledgeable of the ways of the gang, or does not know the use of the language and so forth. Now, I think your effort in this regard could be helped immeasurably by making sure that whatever programs are funded by H.R. 6265, that the money goes to get into the grass roots, or so-called indigenous groupings in the community, not that it is funneled through any bureaucratic maze where we have civil servants trying to talk to gangs. You are not going to reach gangs by the normal methods that are used by Government. You are going to have to find other people who have had gang experience, or prison experience to reach people in the gangs themselves.

I point that out to you because I know that in the city of Los Angeles, and indeed in the county we are spending hundreds of thousands of dollars every year, millions of dollars, to employ more policemen, more sheriffs, more security guards, more fences, more this and more that. It is not solving the problems. The problem is not going to be solved simply by an approach that ignores the basic problem. Adding policemen simply adds more tension, that adds much more, I think, to the unsolving of the problem than solving it.

So, I am appealing to the committee to make sure that whatever funding is provided in this H.R. 6265, in whatever direction, that you make it clear in the committee report that at least what we have seen that works in east Los Angeles is getting gangs on a constructive route of using gang leaders, exgangleaders, using exconvicts, using people who have had experience talking to gangs. You and I could not do it. We do not understand their language. Hopefully, this kind of approach would be most beneficial. Now, there is someone here today that has called my office. I know the hour is late and he has not been on the agenda, but I have been convinced that he might have a word or two to this committee.

If it is an appropriate procedure, if the chairman would allow me to ask Mr. Llye Kurisaki to speak to the committee for a few minutes, I think it might be very beneficial.

Mr. BELL. Without objection that will be fine. He has someone with him, does he not?

Mr. EDELMAN. Yes, he does. They have been sitting here patiently since 9 o'clock. This is the kind of person that unfortunately does not get on the agenda. I feel like a had rather use my time to let him speak for a few moments, if I may, Mr. Chairman.

Mr. BELL. We are very happy to have you speak, both of you. I am sorry that you have had to remain here so long

Mr. KURISAKI. It has been very informative, Mr. Chairman. I did not mind devoting the time if I can get a few minutes.

Mr. BELL. Go right ahead.

STATEMENT OF LYLE KURISAKI, COORDINATOR, PRISON PREVENTORS; ACCOMPANIED BY DAN JIMINEZ, COSPONSOR, PRISON PREVENTORS

Mr. KURISAKI. My name in Lyle Kurisaki and I am an ex convict. I am the community coordinator for a group called Prison Preventors, which started some 8 years ago at the California Institution for Men by a group of prisoners and a correctional sergeant by the name of Ray Hawkins. He happens to be Congressman Hawkins' nephew.

Mr. BELL. Would the gentleman on your right introduce himself?

Mr. KURISAKI. The cosponsor of the group, Correction Officer Dan Jiminez.

This group is a group of convicts who pick their own membership. They go out to the community. I will just summarize for you what is already written here for you.

They go out to the community and by disecting their lives, by giving a cross-section of their lives, perhaps what motivated them to commit crimes, the method by which they committed the crimes, the way they were apprehended, and the true punishment, the type of time they have had to do because of it, and what they have had to do perhaps when they were on parole. They go out and they do not preach to the students. They do not moralize with them. They simply tell them how it is. They give them the facts. I have testimony here from every school that we have ever talked to, over 500 schools. The principals and teachers and counselors will tell you that the attention span of the average student is a minute and a half.

They listen to us for two and three hours and corral us when we are ready to leave. I happen to be a parolee. I am unique in another way. I am probably the only man who appeared before you today who is not being paid for what he is doing. I am being compensated, yes, because I owe. I was 18 years a criminal. We go out and we talk to these kids and we counsel them one on one and we carry on correspondence with them at later dates.

Gentlemen, you have heard a lot of testimony today about what is wrong with the society. We know that society's ills has created a lot of the problems in juvenile delinquency. We do not contend, Prison Preventors does not contend that we can cure all of these problems. We do not contend that we can eliminate juvenile delinquency. But, we do contend that we can be the bridge that will gap the problem that you have got. What happens is that all of these children, teenagers, whatever you want to call them, when they become involved with the system, the juvenile court system, or just discipline in school, they are counseled. But, they are counseled by the very people they are rebelling against. If you say that they are counseled by their parents, or the clergyman, or whoever it is, those are the people they are rebelling against. We do not claim that we have the expertise or knowledge to counsel them forever. But, we feel that raport, whether it is good or bad, we have raport with these people. We can counsel them at that first instance. If we can let them see where that road is going to, we then turn them over to the professional counselors, the positive people that you were talking about, the students from UCLA, we can turn them over to those people.

We can turn them over to the psychiatrists if they need real serious help. But, the initial counseling, the thing that is going to turn that kid around from running out there and doing something wrong to attract attention, or to become a member of a gang so that he can have some sort of security—in most cases he is really an alienated member—he feels terribly unique. He feels that he is the only one that has ever experienced those negatives that he is going through.

When he hears it from us and he finds out that we are not kidding him, and we tell it like it is.

The Board of Education means well, I am sure, but they definitely are not doing the job. Let's face it. I saw a statement the other day that said the Head Start people put into the school system within two years lost the advantage they had gained in Head Start. So, the system cannot do it the way it is. Now, we have talked—I have talked to the superintendent of education. I have talked to the superintendent of school districts. I have talked to city councilmen. I have talked to congressmen. I have talked to assemblymen. I have talked to everybody that will listen. By the way, I think I have to say that District Attorney Joseph Busch listened and he recommends our program. The U.S. Marine Corps says that we have the finest program of its kind in existence. We received meritorious citations from the Marine Corps. We conduct drug abuse clinics there twice a month.

But, I have to say that Chief Davis would never give us an appointment. He would never even talk to us. We tried to get the district attorney, the chief of police and the sheriff to all support our program. The district attorney and the sheriff supports the program. We have participated without any funds outside of the fact that the California Department of Corrections pays Officer Jiminez's wages. We have never had any funds. We have applied for funds. We have always been turned down. None of us happens to be the expert that can write these proposals so that they are accepted by your group—your standards—whatever they happen to be. Every organization that we see that we work with and we work with everyone that has appeared here today, we have worked for those groups. Every person that appeared here today we worked for those groups. But, none of those people can give us jobs because we are not credentialed. The school system cannot use us as counselors because that then destroys the whole system because their counselors had to work for an additional credential to become a counselor. No one will employ us. Now, as I say, we had to work very hard at it. We produce a television show that went national called I Live In Jail. It is now being considered for the Gavel award of the American Bar Association.

We received cursory Emmy consideration. It has been eliminated from Emmy consideration because not enough people in the United States saw it. But, we have been on many television shows, produced many television shows. We have just completed a series of public service spots that will be shown on Metro Media, channel 11, starting on the 6th or 7th of April.

Mr. JIMINEZ. Starting tomorrow.

Mr. KURISAKI. Starting tomorrow. I think it will be on three or six times a day. Those spots were made for the Explorer Boy Scout Council. All of those efforts we did. Fortunately, I work for a company that allows me to go out and speak to schools at any time. But, gentlemen, the only thing that I am saying is that Prison Preventors, not just Prison Preventors, but convicts, exgang leaders, the kids that have to be talking to these junior high school gang leaders are the high school gang leaders that saw the misdirection of their ways and decided to straighten out. It is the guy that came back from YTS and didn't say, "It is nothing, you are not a man until you do time."

You see, we can go in and destroy all of those myths. We go in and destroy all of those images that Davis was talking about. These people are trying to emulate the hard core criminal. We were hard core criminals and when we go in and tell a young guy or a young lady, "Yes, we were criminals; yes, we did this; yes, we did that; but, no, we are not going to do it any more; and the reason for it is not because we have had moral rebirth, but because we found out what we were doing to ourselves in sending ourselves to prison."

That is where the gang trail leads to. It goes to prison. They start out with a juvenile prison, but it finally gets to the big house. Now, we gave you gentlemen some posters there that we distribute to schools after we speak at a school we leave those there. They put them in the trophy cases and the students are able to look at them after we leave and perhaps remind themselves a little of what we said. But, the main thing, gentlemen, that I am trying to get over to you, is if you are going to counsel delinquents, you have got to be talking to them or with them with somebody that they have report with. For a policeman to sit there and tell them, "You know that's wrong," they just shine it on. When a kid walks out of juvenile court and gets probation, whatever that happens to be, his story to the kids, when he sees them on the block is, "I beat it."

After he beats it enough time, then he is going to try for the long way home. Gentlemen, I just state to you, can you somehow in your Federal funding—LEAA we cannot qualify for. But, somewhere there must be a way that people can qualify for funding.

Mr. Bell. Would you indicate why you cannot qualify for LEAA?

Mr. Kurisaki. Because all of that money has to go to an existing institution, a law enforcement arm, something that does exist.

Mr. Bell. But, you would qualify secondarily to some agency that can qualify, if you would accept it.

Mr. Kurisaki. In the institution, in prison, our group can qualify. But, in the institution, you see, through the department of corrections we can qualify, but those that are out of the institution that still wants to participate in courseling these kids—they say that there are only 650 hard core youngsters out there. If we could counsel them one on one, 50 of us could cover 650. But, we cannot get funded because we are not credentialed. We are not a member of an established law enforcement group, we are not associated with any group like that. We have applied for revenue sharing funds.

But, everybody seems to evade the issue with you, gentlemen, from the testimony I heard. Revenue sharing funds in Los Angeles City and Los Angeles County are used to take the tax burden off. They are used to fund existing situations.

The county supervisor just wrote us a letter and told us that our priority there was absolutely none and so that they would not have have raise the tax base, they were going to take so many million dollars and support the existing services.

Mr. Hawkins. Well, under my bill I would like to inform you, you will qualify and we do hope that this bill will be acted on this year.

Mr. Kurisaki. We are hopeful that it happens this year, sir. As you can probably tell, we are pretty patient. We have been doing this for years. We will wait and we will continue to do what we have been doing until we get funded, but we could make a decided impact on the problem.

Thank you very much, gentlemen.

Mr. Hawkins. Thank you.

Mr. Edelman. Thank you. I appreciate the time that you have given to Mr. Kurisaki. I think he added something to the hearings.

Let me say that as was mentioned by Mr. Kurisaki that the revenue sharing funds you gentlemen voted for—I think revenue sharing was a good idea. However, let me bring to the attention of the Members of Congress and you two distinguished gentlemen that they are going to purposes, local purposes, which in my opinion are not serving the best interest of the whole community.

That is simply to reduce property taxes, to balance the budgets, not to reach out into the community to help programs such as these, or others that need funding and do not qualify by virtue of the strict Federal standards, or the closing out of Federal programs.

The county board of supervisors and the city is sometimes no better, so I am not being critical just of the county, we are not using the revenue sharing funds, in my estimation, properly. That is, for social community action programs to reach out and will in the long run reduce property taxes and help individuals in the process, not just reduce property taxes and forget about the individual. In my opinion that is wrong. I do not want to make a political statement, but that is one of the reasons why I am running for the county board of supervisors.

Mr. Bell. Ed, the city council, though, has it not approved some budgets for the appropriation of revenue sharing?

Mr. Edelman. We have done a much better job than the county. The county now tells all of these people they have been led along the primrose path. They tell them: "you submit a proposal and we will evaluate it." Well, the people wrote proposals and they said no to all of the proposals. They have $167 million in the CAO there and they are simply saying let's hold that money, we need it to balance the budget. I do not think that the Federal revenue sharing money was intended simply to balance the budgets of the local government. I think that they were designed to take the——

Mr. Bell. That was not the purpose of it.

Mr. Edelman. That's right. It was designed to take up the slack where the Federal grants were being cut out by virtue of Federal revenue sharing. That is not what is occurring in Los Angeles County.

I think hopefully this committee will come back again to Los Angeles County at the appropriate time and investigate what is going on with revenue sharing funds because I can tell you that there are 150 organizations that would have been here today if they felt you would have been concerned with that problem. I hope that you will come back to another time and we will be invited to speak on that.

Mr. Bell. If it complies with our committee's work, we certainly will. I understand, though, that some of the money that you approved, did some of it go to juvenile gangs, some of the revenue sharing?

Mr. Edelman. Yes, the city funds. We have some programs that are being funded by the city that do relate to juvenile delinquency. We have done pretty well. The county, of course, has the bulk of the money. We have about $35 or $36 million and I believe the county has $160 or $70 million. The county is where the action should be.

Mr. Bell. Councilman Edelman, before I turn it over to Mr. Hawkins for questions, did Mr. Dan Jiminez have something he wanted to say?

Mr. Jiminez. There is only one point that I wanted to bring up to you gentlemen and that is that not only does this group—I make all of the speaking engagement bookings and I am always booked up 3 or 4 months ahead of time for schools, communities, and et cetera.

The community that knows about the program wants it. Like Mr. Kurisaki said, the only funding that the department of corrections offers, or that we get at all, is that the State supplies the gas and they pay my salary. That is all. They supply office space. We talk to —I think as the report I submitted shows, we talk to up to maybe 5,000 people a month. Nobody pays us anything except the Marine Corps who pays us $52 every trip we make for them. All of this money goes into a fund, the group fund. They vote on community bettermen projects to spend this money on. Those posters that you see are paid for entirely by the group themselves. We do not charge anybody anything. I have heard people sit here and ask for, or indicate hundreds of thousands, or millions of dollars. What we are talking about in this one proposal to add a paraprofessional vocational school to the institution centered around Prison Preventors cost $50,000.

You see, it just does not balance out. In this service we go out may be four or five times a week. We talk to maybe on the average of 250 people per speaking engagement. We have, when I sit there as a correctional officer, and, of course, my first job is incarceration, and I see the productivity that these men do and I see where the answers are; it is not corrections.

As a corrections officer, I want to work myself out of a job. It is in prevention and I see it. When I get letters in from a 17-year-old girl saying that her and her girlfriends were going to go rob a liquor store, but after hearing the group, they decided not to, how much money has this saved the county? How much money has this saved the State. The resentencism of any prison program in the United States, because we can count on our hands and toes how many men out of the 300 that are paroled on this program that come back to jail. I believe that you will find that the resentencism rate back to prison on the general scale is about 50 percent and we are talking about 5 or 6 percent in this particular program. It is simply because a man becomes more aware of himself. He gains a culture when he goes out into that community. He meets law enforcement people as people, not as people who bust him. He sees teachers as trying to do good things and not as people that are there as cops. They understand, they start understanding the problems of the establishment, which we consider ourselves, the problems that they have to contend with.

They have never been exposed to this kind of insight before. What we plan to do with this proposal, if it ever gets off the ground, is train them for 9 months to become paraprofessional counselors. In the process they would still be going out to schools, so the community would still be getting the exposure of this very beneficial program. So, I think as far as the money is concerned, there is no money in the world that would compensate for that these men do.

Mr. Bell. Let me, to get a little clearer picture of it, Mr. Kurisaki, how do you arrange your meetings with these people, is it a special group, it is a high school?

Mr. KURISAKI. No, sir. Most of the principles and counselors, the attendance counselors and whatnot, we have all spoken before their groups and they request speaking engagements. They write the institution, all us personally, and we arrange to go out. When we arrange to go out, we maintain an ethnic balance of one black, one brown, and one white. When I was in the group——

Mr. BELL. How large a group do you talk to?

Mr. KURISAKI. We have talked to as many as six people in someone's basement and we have talked to 3,000 on a hospital ship. So, we have appeared at county fairs and things like that also.

One other thing I wanted to bring up. The information that Dan gave you, the statistics are all in that information that Dan gave you.

Another thing that I would like to bring up is this, I do speak at all of the schools. I speak at a lot of south central schools, a lot of east Los Angeles schools. As I said, all of these people that testified for you today are from agencies that we have spoken for, the probation department and various other agencies. I would like to say something and maybe it is a little bit too caustic.

I am sure you gentlemen can handle it. In many cases this is the first time I ever saw the person who was sitting here. The people that I see out there are the people that talk to the kids, the people that do the work. I might say that you have as many people sitting here today and testifying as I have seen out there talking to the kids. So, apparently, it is an organization where they have one man at the head and one man in the field. I have seen the guy in the field. I have seen the young lady in the field. But—I am being sarcastic, and whatever you want to call it, but what I am saying is that all of this money that you are appropriating is being given out and being spent at the top. All of these organizations are top-heavy and there are some of them that are headed by what I consider poverty pimps, if you understand what I am talking about. When I said that I am the only man that appeared here today that is not getting paid for doing what he is up here talking about, that is exactly what I was telling you.

However, I did tell you that I was being compensated.

Gentlemen, I do not know how I can impress upon you—Mr. Evans impressed upon you pretty well that we need to have people who are noncredentialed working. We have guys that have Ph.D.'s in life, they do not have a high school diploma. But, they know what is happening out there and they can really have raport with these kids. That is where it has got to be. Prison preventors, many of our guys never had a chance to give anything in their lives. I don't know if you can visualize that. They have been in penitentiaries four or five times, but they have never given a thing. They have always been takers. But, here they go out and they tell some kid about their lives and all of a sudden they are giving something and they develop a degree of self-worth that they did not imagine was possible. Of course, we really cannot measure how many kids we have stopped from going to prison. We will never be able to measure it. We do not hope to be able to measure it.

But, gentlemen, we know it works. We have got thousands of letters from people and thousands of letters from all over the country, people who just saw our television show and wrote in and said, "Can you come and speak to us in Teaneck, New Jersey, or Kansas City, we will pay your way." We try to make arrangements to take three convicts and a correctional officer back there. Of course, the State law will not allow that.

Mr. Bell. If you stop just one you have made a big headway.

Mr. Kurisaki. That's right.

Mr. Hawkins.

Mr. Hawkins. I just simply want to pay my respects to Councilman Edelman for appearing before the subcommittee and renewing our acquaintanceship and to Mr. Kurisaki and Mr. Jiminez. I certainly want to stress a strong commendation on their testimony before this subcommittee. I was quite interested in the little brochure that you left with us. I am very, very pleased that a nephew of mine is listed as a sponsor of this program. I am very pleased that he is the type of correctional officer that he has turned out to be, obviously, one that has deep sympathy and great understanding of the subject matter of this subcommittee. I have not seen him for several years and I am pleased to identify him in the record as a nephew. I wish to express strong commendation to you, Mr. Jiminez, as a correctional officer also. At least the system is turning out some good.

Mr. Jiminez. If I may, whatever value I have as a correctional officer, whatever training I have had, I owe to your nephew. This is not just getting on a soap box and preaching his goodness, but I think you all understand that this man, your nephew, is the chief investigator for the California Institution for Men, probably what most people would consider the Super Cop of the Institution.

But, I believe, and we have people here from the institution—not from the institution, but on parole that he holds the respect of every man there simply because he tells the truth and that is what this program is based around.

Mr. Kurisaki. This man is so good—pardon me, Dan.

Ray Hawkins is such a fine man that I did not believe that he was that fine and for 2½ years.

Mr. Hawkins. I thought you were going to say that you did not believe he was my nephew.

[Laughter.]

Mr. Kurisaki. For 2½ years I could not believe that he was for real and I tried him every time I could and he passed every test.

Mr. Jiminez. One point I think should also be emphasized is the fact that in over about 700 to 600 speaking engagements of the men going out to the community—that is a lot of speaking engagements—the three convicts in the groups do not have parole dates. they do not get special consideration for parole. No man has ever conducted himself unreasonably in the community. They are put on a lot of crosses. They are offered chances to escape, they have been offered to hit me over the head, the kids offer them a lot of things. At no time has any man ever violated that trust that we know of. I think that is saying a lot for the men because they pick themselves.

Mr. BELL. I think that is a tribute to you too.

I would also like to add my word to Councilman Edleman and Mr. Kurisaki and you, Mr. Jiminez, for coming before the committee.

Mr. HAWKINS. I am sorry to interrupt, but if there is an extra copy of the proposal, I think it would be good to have one inserted in the record, if you will furnish one.

Mr. JIMINEZ. I will send that to you.

Mr. BELL. Incidentally, our next witness is one of those that does not have credentials either, it is Mr. Fred T. Horn of the central city community mental health.

Mr. KURISAKI. Thank you very much for your time.

Mr. BELL. Our next witness is Mr. Fred Horn, from the anti-self-destruction task force.

Mr. Horn, are some others coming with you?

Mr. HORN. Yes.

Mr. BELL. Would you identify them for us?

Mr. HORN. This is Lorenzo Trice and this is Oliver Crawford.

STATEMENT OF FRED HORN; ACCOMPANIED BY OLIVER CRAWFORD; AND LORENZO TRICE

Mr. HORN. We are counselors, inner city counselors. Anti-self-destruction is a counseling service and our main thrust and focus has been with the deviant and habitual problems in city youth. Our program started approximately 3½ years ago. Three and a half years ago it was unfunded because it was unpioneered due to the fact that the area in which we started working in was an area in which no one had——

Mr. BELL. Would you put the microphone a little closer to you?

Mr. HORN. At that particular time the work we started on was not expounded on. A long time ago our work in terms of drugs and rehabilitation, we had a rehabilitation program over on Central Avenue and even then—you know—I was about the business of redirecting youth. It spread and grew. Our main thrust at the time in 1972 was to pull the gangs together. Outside of the fact that we had been going through the schools also counseling youth and dealing with their attitudes and problems. We had come through South Central. I live at 42d and Broadway right now, to this day. He lives at 50th and Central, and he lives at 43d and Olive. We are in the communities.

Anti-self-destruction in 1972 pulled the gangs together I am certain you all heard of it. Congressman Hawkins, I think you are aware of 1972 when we took the gang members all down to convention center because the human relations committee had a hearing on gangs. We brought the gangs together during that time and we felt that the community was advocating that they wouldn't come together and try to assist and help those individual youths in that gang faction there.

We were also a part of the situation way back when it first began when Mr. Thompson was talking about, when we took in with Melvin Hardy and all of the rest of them and we had the groups together then, but we did not have anything to offer.

All we had was the rhetoric and we used our rhetoric to the max. We also were instrumental in putting gangs together in Compton, Cochise can vouch for that, the Captain of Compton. The point is, and what I would like to get across to you is that these brothers can come together again now. The situation in South Central has manifested over the years and I am almost certain that you understand some of the crisis that centered around, why some of the youngsters are in the situation they are intoday with the attitude and the direction they are going in.

I am almost certain beyond a doubt that with the assistance, with the cohesive unit, all of the people are concerned. They can come together and bring this together. I know for a fact if you know one gang member that would, so to speak, be part of the fraction, then you—we could come together in that particular round table. We took a long table. The long table was under the auspices that all of these individuals would come together and sit down and talk about their common grievances, community problems, and relationship to—even bring in those people from the outside, senior citizens who are afraid to walk through the community and all of those different areas of concern.

They could sit at a table. But, when we put all of the brothers together, we did not quite understand why it was dispersed at the time, but we did not know quite what the administration—the assistant thought about what was happening there, but their intentions were very good. The intentions were not bad. We were not coalating to move into any direction outside of the fact that we wanted to bring the brothers together.

Right now we still have their ear because we are talking the truth and not selling them anything other than the facts we have. That is if you don't have it here, you can't get ahead and you're not going to get it unless you do all you can to go all through the system and understand even though the process is wrong. Because, what has happened in South Central is characteristic year-in and year-out. A 14-year-old girl, she turned to be 28. The youngster is 14 and the father couldn't support them when he did come together with the mother at the time they had the child. That syndrome is going down concurrently all the way up until today.

I know we have an energy crisis and the energy crisis in South Central is the minds of our young brothers. And our young sisters. Right now there is a vacating of the man heart of our situation, the majority of them are institutionalized. That hurts too, because that decreases in all of those areas in which you know rebirth and replenishing the situation.

So, what I would like very much to tell everybody is my concern overall. I know that we can come together. I know it can come together because we were not raised to be a part of the viciousness that we are always talked about and we are always creating new areas of concern and new areas of research and new areas of study, not only create new facilities and institutions that sometimes tend to go against the hopes and wishes of the parents that are there.

I know the inner city schools, those problems in inner city schools can manifest themselves and change. I know for a fact that all you have to do is just take a little time out and redirect. It is not hard to do. All you have to do is cut away a little fear that you have in your heart and come out there and do the job. I know that that is the way and no one can tell me any different—you know. I just want to say that before you left here. The concern of the brothers in South Central is that there are a lot of people out there working. We pulled the gangs together before and I say we can do it again.

Mr. Bell. Would you like to comment?

Mr. Crawford. I would only——

Mr. Horn. One more thing. This jacket from out there is Centenial High School. I guess you know about that. You can ask Cochise this also. This is Centenial High School and they honorarily give me my jacket too. This is just one example of the brothers and sisters down there on campus. The on-campus kids are trying and the administration are trying. The kids are trying, they are dying. They are not lending themselves to anything. The institution is the mortuary. That is not the way. The institution should be justice. We have got to survive and the only way we can survive is to manifest the characteristic of mind over matter.

Mr. Crawford. I would only like to reiterate what Fred Horn has been saying. That is, a coalition and truce of youth gangs in Los Angeles has happened already. Two years ago if you would check your statistics, the area of time we are talking about is December of 1972 through early February of 1973. If you will check that period of time in the statistics of youth gang activity. That is, the killings and the assaults, you will see that there was a marked reduction at that time.

That was because of the efforts of our group, Anti-Self-Destruction, Son's of Watts, Tony Rushing, Tony Evans with Bridge Back Organization, did in Los Angeles effect a truce in youth gangs. You can check the records for the statistical verification of this. It can be done again. It is not very difficult. We speak from the level of the mechanics that actually executes these truces. We do it on a face to face basis. We are the people in the street that actually do the job. Fred, Lorenzo, and myself are not psychiatrists or psychologists. We are brothers who have in common the same things that the young people in South Central Los Angeles who are involved in gang activity have today. We have this in common. We relate directly to them. We have done it before. We can do it again. Now, why didn't it last, you may be asking. It did not last because 2 years ago there was not a priority among community agency programs to see—to follow through with this activity. That was 2 years ago.

Mr. BELL. This bringing them together was premised on some action that was going to forthwith take place?

Mr. CRAWFORD. Yes. It was premised on the fact that our dealings, our actions with brothers who are involved in gang activities showed us a willingness that they wanted to see some of this killing stopped. They even knew it 2 years ago that this was a vicious circle and it was snowballing and getting bigger. This is why. We did not come and persuade them cold-turkey that they are to do this. They had a willingness in their own minds. They had—the spark was in them. We simply acted as a catalyst, provided the facility in which they could come together.

Assemblyman Bill Green can attest to this also because at several of our meetings he was on the spot in the Malcolm X Center and he actually saw it happen.

Now, getting on to the point, after the convention, or—check that —the conference on delinquency held by the human relations commission, preceding that—no, after that—the community organizations did not want to touch the gang situation at that time. The basic organizing had been done. We simply needed organizational support. We did not get this. We then realized that we were a little early.

Mr. BELL. Why?

Mr. CRAWFORD. Why? That is a hard question to answer. I will try to answer it this way. It could have been that some of the organizations that did not lend their organizational support to the basic foundation that had already been laid, maybe the reason was they were not involved in the laying of the foundation and therefore could not take credit for it, possibly. I do not know. What I know is the fact that we got no organizational support from the community. I am not here to beat a dead horse and continually tell them that they could have done the job that they are now saying that they could have done then.

But, only to say it because it is a fact that they did not help at that time. Now, it can be done again. It can be done again and it can actually be executed on the street level, on the campus level, in the homes, and on the streets, and on the campus. That is where the job has to be done. It cannot be done by programs in which the staff of these programs spend most of their time in the office hoping that gang members will come in. They have to go out and evangelize and walk and talk. This is where it happens at. This is the only way. This grassroots type of organizational activity has to be done on the street level. That is the level at which we operated on and that is where we will go back to to do it again. We can do it and we will do it again.

So, I would not like for you to leave here thinking it is an impossible job. It is not. It is not an impossible job. We have done it before and we can do it again.

Mr. BELL. How would you go about putting it together again?

Mr. CRAWFORD. O.K. The basic foundation has been laid already. The Anti-Self-Destruction Task Force is known throughout the city as far as the youth gangs are concerned. We know the leaders. We are on a speaking relationship with them. It would simply be a matter of contacting them again, gageing their feelings, listening to them, finding out when they are ready, and, if they are not ready, trying to persuade them that this is something that they should do again for their own good. It is. From there, I would imagine we would have to talk with each faction, each faction, similar to what you might see Henry Kissinger doing as far as talking to the Arabs and Israelis and then when they are both ready to come down and sit together, bringing them together and hammering out an agreement between the two groups, the three groups, the four groups, the five groups. Eventually it would encompass all of those gangs that are active in South Central Los Angeles.

Mr. HORN. One thing more, it is not easy, it is not an easy task on the part of some people—you know—to be intransit to where we were. We drive. It was just our job. We took it upon ourselves. At that time there was no money involved in this. We were just about the business of doing one thing, our humanity to man—you know—was that we survive and let the youth survive. Right now our fourth graders are dead. They give us premise for what we are going to do and what we have been doing. The 4th grader, 5th graders, 6th graders, 7th graders, and 8th graders, 9th graders, 10th graders, 11th graders, isn't that enough people dead. Isn't that enough people gone; so, I mean we don't need nobody—nobody really needs no rationale to go out there, just go and try to do what they can. Grownups, young people my age, older people as far as I am concerned, they all have a right to be out there. They should be out there. They should not be sitting and saying I wonder when something is going to happen. It is incumbant of them to go and do it because I know we didn't raise our kids to just destroy one another. That is our major concern. We will be about the business of being on the front lines and doing those things which are necessary. We do talk a lot, that is our thing. We try to get clarity and we get clarity by making a relation. We don't talk about the administration or the police. That is far away from our minds. We know we can't really do that. We don't want to start throwing no stones and that is why we are here.

Mr. BELL. Would you like to say something?

Mr. TRICE. I would like to just make a short statement. Basically what we do is we take noncognative learning and transfer it into cognative learning and make the kids ready for system oriented education. This is the kind of thing that needs to be done, that initial contact be made by us and get them ready for education, jobs, and everything. Now, I have heard a lot of people say there are no jobs. O.K. We understand. If he is not ready for a job he will not hold a job. We are about getting them ready for everything that involves getting their self together, and that is just about all I have to say.

Mr. HAWKINS. Well, I can only say that I am very pleased that these witnesses come from and represent the area that I represent. I think they have given us, really, the most tangible thing today as a way out of some of these situations. I am very, very pleased that the hearing is going to end on this more hopeful note.

May I just ask this, I see that you are based at 4211 South Avalon.

Mr. HORN. That is the Service Center.

Mr. HAWKINS. That is the Service Center?

Mr. HORN. Yes.

Mr. HAWKINS. And you are identified with Dr. Harris in some way?

Mr. HORN. No.

Mr. HAWKINS. You are just based there?

Mr. HORN. No.

Mr. CRAWFORD. Central City is a delegate agency. We are—this year is our first year of funding by the Greater Los Angeles Community Action Agency, Central City Community Mental Health Facility is the delegate agency.

Mr. HAWKINS. You are receiving some funds?

Mr. HORN. Yes, for this year.

Mr. CRAWFORD. This has been the first year of our funding and we have been operating 2 years prior, in 1974.

Mr. HAWKINS. I would like to suggest, Mr. Chairman, that if we could establish some rapport with these representatives, and some of the coalition groups, by you and I and other members of the subcommittee sitting down with them at some convenient time to discuss the program, it may be constructive. I feel that if we can have detente with the Soviet Union and Red China, we certainly ought ought to have it in this county.

Mr. HORN. Right.

[Applause.]

Mr. HAWKINS. We can have detente right here among us.

So, I would suggest that we make contact with you and try to arrange some suitable occasion and you assemble whatever group you would like and let representatives of this subcommittee meet with them, if that is desirable.

Mr. HORN. The reason for not coming together before now was we didn't want to create no crisis, you see. That is by bringing a group here, bringing a group together and then having the area in which it was involved in, the people, given to this chaotic state of something is going to happen. But, once the people, the powers that be, say OK, we are going to pull it, then they will come around for us because last time a lot of them were in jail.

Mr. HAWKINS. One of the reasons for the hearing in this area is that Mr. Bell is the author of one of the bills under discussion. Also, we wanted it to be known that these hearings need attention outside of the ghetto area. We always have hearings in the ghetto and talk about what is labeled ghetto problems.

These are problems that relate to every citizen in this county.

Mr. HORN. Sure.

Mr. HAWKINS. We want everyone in the area to know about these problems as well as the people in our area.

I am very pleased with the witnesses.

Mr. HORN. Thank you.

Mr. HAWKINS. We will continue to have communications with the witnesses and work out with this subcommittee some approach that is understandable, and practical.

Mr. HORN. Plus, we work with everybody because we don't have no hangup.

Mr. BELL. I want also to thank you and tell you that I concur in what Mr. Hawkins has just said. I would be very happy to work with all of you in any way we can to try and accomplish this.

Mr. HORN. I think there is one thing I would like to say. We are prime examples of what we are talking about. Anti-Self-Destruction because, prior to this, I was just hanging around and now I have got a purpose.

Mr. BELL. Thank you very much.

This meeting is adjourned.

[Whereupon, at 5:20 p.m., the hearing was adjourned.]

[The following documents were submitted for the record:]

LOS ANGELES CITY BOARD OF EDUCATION,
Los Angeles, Calif., April 3, 1974.

Hon. WILLIAM CLAY,
Members of Congress,
Washington, D.C.

DEAR CONGRESSMAN CLAY: During my testimony before the House Subcommittee on Equal Opportunities in Los Angeles on Friday, March 29, you inquired about the district's administrative personnel; specifically, you requested the ethnic composition of our local school principals. I am happy to furnish you the following breakdown, that in addition to our school principals, includes other certificated personnel and teacher aides.

I have also enclosed the district's latest annual ethnic survey for your information. Upon examination, you will find that this survey includes students and staff members of each of our 662 schools.

In recent years, the Board of Education adopted a procedure allowing the direct appointment of minority individuals to serve in administrative positions thereby permitting the district to match the ethnicity of the administrator with that of the majority of students attending the local school.

Although there is a surplus of teachers available on the national level, the Los Angeles Unified School District still continues to send employment representatives to teacher training institutions across the nation to recruit highly qualified graduates of these institutions who are members of minorities so that these teachers can enhance the ethnic representation within the teaching and administrative staff within the district.

Sincerely,

WILLIAM J. JOHNSTON.

Enclosure:

BEST COPY AVAILABLE

	MALE						FEMALE						
	White	Black	Spanish Surnamed American	Asian American	American Indian	Other	White	Black	Spanish Surnamed American	Asian American	American Indian	Other	Totals
Officials, administrators, managers	231	43	21	3	1	2	25	14	1	1			342
Assistant principals, teaching	345	31	19	9	1		147	29	4	6			591
Assistant principals, nonteaching	41	8	4				18	9	1				81
Elementary classroom teachers	246	64	15	6			184	71	19	10	1		616
Secondary classroom teachers	1,265	236	60	72	4		7,388	1,863	277	708	15		11,888
Teacher aides	161	149	101	20			786	1,793	1,329	137	5		4,481

Statement of Dr. James A. Bush, Assistant Professor, Department of Psychiatry, Charles R. Drew Post Graduate Medical School

I am Dr. James A. Bush, Assistant Professor and Master Mental Health Planner, Department of *Psychiatry, Charles R. Drew Postgraduate* Medical School, Los Angeles. My relevant experience, as it relates to this subcommittee's hearing, includes being a consultant to the Los Angeles County Probation Department regarding juvenile delinquency and substance abuse mainly in heavily populated minority areas of South Los Angeles. In addition, I am an instructor in Correctional Counseling and Social Work Practice in two local universities. I am a mental health practitioner involved in direct treatment, as well as, mental health planning. Most significantly, I am a parent of three teenage children currently in local public high schools. In recent weeks, I have spent an average of two hours daily visiting schools and listening to teachers, counselors, parents, school administrators, and persons in the community, as it relates to education, violence, and community involvement in our school systems.

I wish to congratulate this subcommittee for setting into motion, through this hearing, the well established mechanism for arriving at a public policy aimed at insuring to all citizens an equal opportunity to enjoy a full and productive life. For sometimes, many laymen, policy makers, and students of human behavior, have put forth the theory that violence and delinquency were natural behaviors. The recent discovery of the Tasaday people, living in the forests of the Philippine Islands, now clearly demonstrate that violence and delinquency are not natural phenomena or necessary for a happy life; nor should we be satisfied as long as they exist.

The literature in the area of interest to this subcommittee is replete with rich and significant data that need only to be researched and applied. Contrary to most of our beliefs, there is much known, even though, much remains to be learned and researched. Some of the findings that clearly stand out in relation to the issue before this subcommittee includes the following:

(1) That the school itself is a breeding ground for delinquency. Most schools are only preparing students for college and not for living. Many students drop out of school, lacking basic pre-vocational skills, and are not prepared to enter the world of work. Juvenile Institutions as schools, tend to educate youths in delinquency behavior.

(2) Most minority children, minority teachers, and minority administrators, face unique tasks in their struggle to find a "good fit" between their culture and the school, operated according to white norms. These minorities experience high anxiety in their struggle for personal pride and a sense of self-worth, against the misperceptions of white children, white teachers, white administrators and the larger white community.

(3) Delinquency and violence in schools must be viewed in the larger context of violence and delinquency as an increasing phenomenon at all levels in reflect that along with the aged, youth are fast becoming the largest population segment in our society. Often, they are viewed and responded to as hostile competitors, rather than contributing members in our society's goals. Thus, often we find expressions such as, youth against adults or students vs. teachers. In reality, they are part of, and may I add, an extremely vital part of our system of education, government, and country.

(4) Significantly, societal factors also impinge upon one's view of delinquency and violence. One factor is the high and rapidly increasing suicide rate among youth. Especially is this phenomenon glaring for minorities and young black women. Another critical factor is the long-standing fantastic unemployment rates for youths. A recent and critical element is the increasing unpredictableness of our environment i.e., the gasoline and energy shortage. One can only imagine the impact of these factors on youth and low income persons in our society.

(5) Most persons, such as, law makers, community leaders, agency persons, and the general public, have a very limited knowledge of our schools and juvenile delinquency. They tend to rely too heavily on the news media or word of mouth systems.

(6) Filed away in many committee reports and governmental summaries of demonstration projects on this subject, are well defined and creative programs that are no longer funded. This pattern contributes to the lack of continuity in policy and program toward eliminating the rapid rising rate of violence and delinquency among youths.

(7) There is an appalling disparity between the needs of our youth and the skilled persons to help them. Too few persons have the basic skills to help when problems are identified. Among those who are often impotent, are many parents, ministers, court officials, probation and parole officers, and trained therapists.

(8) Continuing education programs for practitioners in the field of correction, are almost nonexistent. The few consultants or practitioners with viable skills, are being stretched beyond reason. Critically, fewer persons skilled in this area are being graduated from our schools today.

(9) There are few experts and practitioners in the area of conflict resolution. Therefore, when mass violence and mass delinquency erupts, only mass oppressive action is available.

(10) Few teachers and administrators understand the rapid shifts in our society and the meaning of cultural assertiveness, therefore, educational programs remain rigid in a time when they ought not to be.

Studies of children who have not engaged in violence and delinquent behavior in our schools reflect that in their environment, with overwhelming frequency, is found five factors. They are:

(1) A strong and loving parent with high expectations;
(2) consistent parental discipline;
(3) teachers and peers who enhance their self-esteem;
(4) being allowed and being able to communicate positively with all age groups; and
(5) being a participant in school activities.

Four major barriers exist to effectively dealing with violence in schools and delinquency among youth in general. hey are:

(a) Parents with inadequate nurturing skills.
(b) Peers of adolescents that model destructive behavior.
(c) Educational systems that don't educate and community systems that don't support.

Included among the ineffective or non-supporting community systems are the administration of justice system, health and mental health systems, employment and rehabilitative systems, welfare systems, recreation and creative activities, the church, housing, and transportation. For adolescents, these systems are either nonexistent, inadequate, or malfunctioning. No viable smooth transition exists for student to the world of work; apprentice programs are not open to most youths. So schools serve as "holding areas" for youths with minimal skills to work in a highly automated society.

RECOMMENDATIONS

There is substantial evidence that the following suggestions are mandatory if there is to be change for the better, as it relates to delinquent behavior in schools, and the general youth population.

(1) More community involvement with the schools. Too few persons visit our schools, yet, venture to make "expert" judgment about the problems. There should be less reliance on the mass media alone for awareness of the problem.

(2) Within the schools, there needs to be more effective counselors, and effective teachers.[9] It is appalling to learn that there is almost no sound evaluation of teacher and counselor effectiveness in the schools.

(3) Better environments in the schools.

(4) Open up the schools seven days a week with planned and relevant programs for the general community.

(5) Adequately trained school administrators.

(6) Ongoing continuing education in crisis intervention and conflict resolution for school personnel, police, and persons in the general area of corrections.

(7) Open avenues of communications between youth and the general community. It is time that we also become good listeners of what youth are saying and empathizing with what they are experiencing. They need a part in the governance of schools.

(8) Better and more adequate mental health resources available to the schools. Today, there are too few and they are over-worked.

(9) Establish at the federal, state, and local levels, planning and research programs aimed at helping the public, parents, school officials, policy makers, and community persons aware of the real problems and possible solutions, as well as, to get these persons involved in being the solution rather than being the problem.

(10) We can begin now to define new roles for para-professionals, agents of the courts, and others inapplying what we already know about affection, cohesiveness, discipline, and supervision.

If we are honest and include our youth, they will contribute to the solution of *our* problem. Thank you.

CENTRAL CITY COMMUNITY MENTAL HEALTH FACILITY,
Los Angeles, Calif., April 4, 1974.

Mr. LLOYD A. JOHNSON,
Staff Director,
House Subcommittee on Equal Opportunities
Washington, D.C.

DEAR MR. JOHNSON: I would like to take this opportunity to thank you for your cooperation and support in preparing for the Hearing on the Juvenile Justice and Delinquency Act. Without your support and input, we would not have been able to compile the testimony necessary to prepare a comrehensive report.

In order to allow input from all persons attending the pre-hearing meetings, discussion sub-groups were formed. A panel composed of designates from each of the sub-groups effectively presented pertinent information and reactions regarding the contents of the Bill (H.R. 6265) to the Sub-Committee on Equal Opportunities on Friday, March 31, 1974, at the West Los Angeles Federal Building. A copy of this testimony is enclosed. Three subsequent Hearings on the Bill will be held in Washington, D.C. We will move shortly to convene persons who have expressed an interest in following-up on the results of the Hearing on Friday and the effects which are anticipated in our community.

It is hoped that the information which was given by our panel will provide the impetus for the passage of H.R. 6265.

Again, my most sincere thanks for your time and efforts in this very important matter.

Sincerely,

ROY T. DAWSON,
Director, Community Services.

Enclosure.

TESTIMONY IN SUPPORT OF H.R. 6265

(Presented by: Hiawatha Harris, M.D., Director, Central City Community Mental Health Facility; Roy T. Dawson, Director, Community Services, Central City Community Mental Health Facility; Frank T. Price, Ph. D, Behavior Research and Development Center, U.S.L.A.; Olivia Mitchell, District Attorney's Youth Advisory Board; Rory Kaufman, Campus Advisory—Urban Affairs Los Angeles City Schools, Advisory, S.S.S.)

INTRODUCTION

The need for comprehensive approach to youth development is unchallenged. To have such an approach backed by Federal legislation is without question, to the delight of all who work and advocate for the needs of children and youth.

The United States Government has a necessary stake in the development of its young citizens. It's interest has been positively shown since the enactment of the Social Security Act.

There are no guarantees that the proposed bill HR6265, will be the magic answer; however, there is a guarantee that children and youth will continue to experience problems at an even more alarming rate if no bill exists at all.

In this presentation, we have attempted to highlight our feelings and professional opinions on the problems and causes of violence in our community. These opinions are based on personal contacts, communications and programs with children by a selected committee of twenty lay and professional persons and youth, and are presented in three parts: as official written testimony.

Part I: Contains a treatise on the psycho-social factors which play an extremely important role in developing and perpetuating the social problems prevalent in our schools.

Part II: Represents a general overview of the affects of school on students, youth and community; and offer programmatic suggestions.

Part III: Concerns itself with the Section HR6265; points out areas of concern; and encases and offers support for the passage of HR 6265.

PART I. PSYCHO-SOCIAL FACTORS OF SCHOOLING

There probably exists a multitude of factors that contribute to the problems of violence within our nation's schools. The factors range from inadequate facilities and funding to poor planning and frequent disrespect for the law. However, for the purpose of this presentation, the focus will be on some of the psycho-social factors which play an extremely important role in developing and perpetuating the social problems that are so prevalent in our schools. The approach in exploring this area will be to first of all look at the make-up of society in general, and then to focus on the significant element within the youths more immediate psycho-social environment. Finally, the unique situation of the youth himself will be explored.

Our schools are a microcosm of the society and this is designed to instill societal values and attitudes in children as they move through they system so that upon reaching adulthood they will be able to make an adequate adjustment. This society, however, has the component of violence as an integral part of its make-up. It is not a difficul task to find ample examples. The inhumane war in Viet Nam which has been vividly portrayed on the T.V. screens is a case in point. Our children have watched babies burning to death and villages being decidmated with no apparent humane motive. One can also look at historical examples such as the slavery system in which thousands of individuals of African descent were killed because of complete disregard for human dignity and worth. The inhumane and violent treatment of the Indian population in this country also underscores this point. One could go on and on with such examples to illustrate the violent, anti-humanistic and competitive fibers of our society.

The violence which is so embedded in this society is presented to our children as a regular diet as a result of the audio-visual media. Analyses of T.V. content has repeatedly shown that violence is portrayed in a large percentage of the popular programs. Many researchers have shown that the viewing of such aggressive materials results in the imitation of such behavior on the part of children. Many of the more popular movies or those that have the benefit of the most effective publicity campaigns are extremely violent or ones in which the taking of another's life, usually vividly portrayed, is done without any expression of emotion or, in some cases, with apparent enjoyment. In other cases, the use of illegal drugs is glorified. Again, children learn a great deal from such movies and such learning if frequently expressed within the classroom setting.

Other factors which may contribute either directly or indirectly to the problams of violence in the schools may be labeled loosely as socio-economic factors. The gross inequities that are clearly visible to everyone can lead to a situation in which one member of society may decide that with the odds against him being so great, he cannot make use of the traditional methods of obtaining the rewards of this society. Finding oneself in such a disadvantaged situation can also create feelings of alienation and hostility which may easily be expressed toward a perceived representative of the elements that have created these conditions, i.e., the schools and the educational institutions. These unfortunate conditions are highlighted by unemployment, under-employment and poor housing, which is so extreme in certain cases that the end result is hopelessness and despair.

Another psycho-social contributing factor in looking at violence in the schools is that of prolonged adolescence. Biologically, for all practical purposes, this society does not acknowledge adulthood until the youth reaches the ages of 18–21. Thus, the youth is held in a state of suspended animation during which time he is neither a man or a child. This is also a time when the youth is attempting to establish a state of independence; however, he is not prepared for the job market and must remain in school. Many youths will legally be required to remain in school and realize that their educational preparation is inadequate as reflected in the fact that youths from some of our inner-city schools graduate from high school reading at the 6th grade level or below. Graduating from high school does not always insure the type of job that will provide a livable income. These youths see the hypocrisy and many times the violence might be a direct result of this perception.

The schools as a primary representative of this society's approaches and attitudes is frequently viewed as a foreign element which has very little relation to some of the basic needs of the community which it should be an integral part. Schools are usually fenced off and closed to the community except during school hours. Parents are alienated from the schools. These conditions become more distinct and more real as the income level of the community becomes lower and as the proportion of minorities greater. Thus there is little feeling among the community residents that the schools are representative of the needs. This sets up the condition in which attacks against the school's property and personnel may become frequent. The basic goals philosophically expressed by the school system are excellent but the actualization and implementation of these goals for the minority population are obsolete and inadequate. Many children feel that they cannot learn and therefore that they will not be chosen as those who will have access to the material rewards of society. These conditions also become more severe as a function of economic conditions and minority composition. Youth are sensitive to these conditions and their reactions may easily be that of rage which is expressed toward the various components of the schools, including school personnel other students, and school property.

The last issue deals with a major attempt to reduce violence in the schools, specifically the installation of security programs. There is perhaps a need for temporary security programs at this time. However, the need is for individuals who are well trained in the areas of adolescent behavior and psychological considerations of human behavior in general.

Adolescent males are frequently assertive and exhibit aggressive behavior. They are also at one of their most unstable developmental stages. They seek and need to bounce off their interpretations of maleness with other males. In the school setting these can be teachers, administrators and other nonclassified employees. Recently, the object of their aggressivity has increasingly been security personnel.

The untrained or poorly trained security person who displays the "Wyatt Earp" syndrome and who is an obvious attraction for female students form a pattern of inconsistencies for adolescents who are unable to individualize categories of people. In many cases, the security is composed of individuals who are only 1–4 years older than the students and they therefore have a decisive advantage over the students population. They have ascribed power, a job and money. Consequently, they are perceived as competitors for the affections of female high school students.

Despite the presence of security personnel and security devices, e.g., identification cards, locked doors and gates, the atmosphere of the school does not reflect a feeling of security. Neither school personnel nor students feel they can rely on their own security systems. The first response to trouble is to call the police department, thus reducing the credibility of the security force. This can be demoralizing to personnel and negatively affect the way in which he relates to the student population.

The community sees the schools as a foreign body. The two entities do not interact with and/or support each other on a broad scale. The ability to assign responsibility for the acts of their children to an outside force, namely the security system, further isolates the schools from the community and increases the probability of vandalism and violence.

The establishment of security programs has been based on the premise that this will eliminate the problem. However, in many cases, it has been observed that force creates force. This may be especially true when other approaches are ignored such as solving the basic problems or elimination of the basic causal factors.

PART II. PROGRAMMATIC SUGGESTIONS

The past decade has witnessed the growth of any unusual phenomenon. This phenomenon has been the planning, funding, and implementation of programs based on negative models. These programs have been directed at salvaging, recapturing, or recycling the acting out youth, the anti-social youth, and the offender. These youth have demonstrated both their inability to cope with their own or the dominant culture, and their unwillingness to accept other than criminal means to alleviate their frustrations. These young people, who are our young people, need to be worked with to be turned around, or helped to define a more meaningful way of relating to their environment.

There are other categories of young people which we have seemingly ignored as we prioritized our needs for services and funding. These are the potential deviants, the average youth, and the student leaders. From the first and second groups you get your "hardcore" youth, incorrigible youth, troubled youth or whatever terminology you have for deviance. From the third group you get the tools necessary to redirect groups one and two. However, past programming has directed itself at the negative tip of the iceberg, thus establishing negativism as the proper behavior to receive special benefits and compensation for both youth and adults. This is reflected in programming in and for the community as well as the schools. A prime example is the re-allocation of monies for curriculum needs to security systems. The young people who need learning the most to prevent delinquency, receive less—thus causing more delinquency, more security—in a never ending vicious cycle that leads to death for our children—spiritually, mentally and physically.

We would like to offer a model for the schools based on one important, but neglected, assumption, namely, that schools are for children. Their purpose is to equip our children with the skills necessary for a productive and meaningful life in tomorrow's society. This task cannot be accomplished without a mutual respect for, and knowledge of, the needs of our children and the needs of our community and our society. These elements must be the foundation upon which education rests. They must be equal partners. This does not mean that it has to be an ongoing 50/50 arrangement. In earlier years, it may be more necessary to deal with the needs of the child, helping him/her to develop an eagerness to learn, a thirst for knowledge, an ability to reason and to listen. In later years, society's needs may become more dominant as the child is prepared to cope with his/her role or roles in society. A deliverate plan, such as we propose, would help to alleviate the alienation, anger, and frustration which we find so prevalent in our troubled youth. If young people are to be prepared for adult roles and responsibilities, they must be given greater opportunity to define and experiment with citizenship. Under our present educational system they are assumed to have all types of attributes when they reach the age of 18 or 21, but there is no organized plan to teach them such attributes. Included in these attributes is the ability to shop, determine life styles, decide on careers, select furnishings, decide on a college, buy insurance, have the electricity turned on, or protect home and family.

The school has been referred to as a microcosm of society. It provides an excellent environment for the development of responsible reasoning citizens. Protecting one's home is a human tradition. It is one of the main responsibilities of the family, especially the male members. A feeling of "home" can be created at a school, thus enabling the students themselves to be the protectors, not a foreign agent in terms of an artificial security system. The kinds of vandalism and violence which disrupts our schools today would never have been tolerated in the days when education was the goal. Today we see no purpose in education. Therefore, we do not respect it, of and for itself. Also in our society we have no national "rites of manhood". In fact, manhood has been repeatedly pushed forward in response to our technological needs. We have moved from needing four year olds for work to not needing many 40 year olds for work. Manhood is now somewhere between 16–25. Schools can help define this phenomenon to its students.

It readily appears that we are making the schools the catch-all of society. They should be parents, police, social workers, holding tanks, etc. The school's response to this definition of their roles and responsibilities will naturally be that "We're educators. We cannot be all things to all people. When we try to be, we fail in our prime responsibility". We acknowledge their frustration. However, we do not agree that book learning is their only responsibility.

Schools are the only institution in this society which has legal access to youth for five to eight hours per day, five to six days per week, forty to fifty-two weeks per year, twelve to twenty-four plus years per child. Parents do not have this kind of prime time; churches do not; parks do not; police do not. *SCHOOLS DO!!!*

They cannot work alone. If there is to be consistency and shared responsibility for the salvation of our children, we must work together. There must be sincere and joint efforts at planning and implementing comprehensive programs for the school community. The training and skills of the total community must be coordinated and utilized. Proper training in adolescent behavior must be given to the school community. Everyone is not equipped psychologically or educationally to deal with children and adolescents. We need to acknowledge this and provide programs of training or relocation for those unfit for our purposes. Prescribed years of college training does not make a school teacher; nor a social worker, nor a policeman, nor a psychologist, nor a parent, nor a security person. Some of us cannot and should not be working with youth.

Young people should be given more responsibility for their education and actions as they continue up the education ladder. Education is mandatory, but it can be demonstrated that young people know that as well as we do, if not better. Given the opportunity to understand why geometry is necessary, they will be willing to keep it in the curriculum. They will not like it, but they will take it. This society cannot survive on illiteracy, apathy, and alienation—not if we are to remain a democracy. We are at present raising generations of young people who we would not like to be our parents. Let's sacrifice and develop a plan to make them better than we are. After all, is not that the pattern of a civilized people?

PART III. REACTION TO H.R. 6265

The need for a new comprehensive program approach to Juvenile Delinquency Prevention and Treatment is unchallenged. The inadequacies of our current system are reflected daily in statistics on recidivism, status offenses and most recently, the rise of juvenile gangs and the violence and crime therewith.

Traditionally, we have used the Juvenile Justice System as an alternative to communalization. Young people unable to cope or adjust to the social order were quickly classified as unfit and hurried off to the beginning of a cycle with a duration expectance of a lifetime. Today, fortunately, we have become aware of a few simple yet most important propositions.

1. *Everything is connected to everything else. Nothing exists in independence, but everything is interdependent.* Thus, decisions made within the juvenile justice system have effects upon other systems; and conversely, decisions made within our social systems are affective within the criminal justice system.

2. *Everything must go somewhere; nothing disappears.* Whenever a certain problem seems to disappear, it is usually found that the problem is being taken care of by another social system. In the case of youth, these systems are likely to be the education system, mental health system, and/or criminal justice.

3. All systems tend to have an increase in entropy. Systems tend to have increasing disorder and chaos as a fundamental property. One of the chief reasons for the development of Federal and State Planning Agencies is to apply planning principles to combat increasing chaos within those systems. *Closed* systems, such as the criminal justice system do not allow new resources to be brought over the system boundary.

The juvenile justice system as currently organized, is classified as a transformation system, that is, the service system is planned to perform some transformation on a system user, whether that user is an individual, a group of individuals, or even another organization. Once an individual or a group of individuals have undergone transformation and exists the system, they must have some place in the larger society to fit. In light of this awareness, new program planning, coordination, prevention and diversion must embrace a general system theory approach which recognizes these interrelationships and interfaces, as well as the institutional view of what ought to be.

The section by section analysis of H.R. 6265 points out that the purpose of the Bill is to provide resources and coordination for effective methods of prevention and treatment of juvenile delinquency: to encourage the development of services to divert juveniles from traditional juvenile justice systems and to provide alternatives to institutionalization as well as to establish the National Office of Juvenile Delinquency Prevention.

While recognizing that this purpose is based on the repetitious discovery of inadequacies existing in Federal, State and Local juvenile delinquency programs: and, that the intent is to finally correct these inadequacies, a few concerns, however, still come to surface.

Our primary concerns, then, pertain to the Title II and Title III of H.R. 6265 and items as set forth in Sections 203, 301, and Section 304.

SECTION 203

Section 203 sets forth requirements for State plans including: designation of a single agency for juvenile delinquency programs; active involvement of local governments in planning; requirement that 50 percent of funds must be available to local governments; coordination with existing juvenile delinquency programs; requirement that minimum of 75 percent of State funds be used for advanced techniques in prevention, diversion, probation subsidy and alternatives to institutionalization.

We would like to point out that a major implication is that the political control of elected officials of the political jurisdiction who will control allocation of revenue necessarily places these individuals as heads of juvenile justice systems. Yet, such political control does not guarantee legitimation by statute or ordinance.

Secondly, this Section does not appear to change a major problem inherent in building inter-agency effort. This problem is that policy-making authority resides at different governmental levels between agencies; the police are municipal; welfare departments and courts are either County or State, schools are governed by Local boards, but their accountability to any local authorities is problematic. Lack of a single authority to which all agencies are accountable means that no one in the community can command coordination of all agencies; therefore, building a coordinated, integrated service delivery system remains a voluntary activity on the part of agencies.

SECTIONS 301 AND 304

The implication of these two Sections are that a commitment to carry out the National strategy for youth development will be the responsibility of the National Office of Juvenile Delinquency Prevention.

The Federal government's interest in juvenile delinquency and juvenile justice predates the Social Security Act of the 1930's. In the 1950's, the President's Commission on Juvenile Delinquency was created, shortly thereafter, a newly organized Office of Youth Development and Delinquency Prevention was unfolded. This organizational approach to the problem was to provide money to organizations in the country to experiment with innovative treatment approaches both for delinquents and youth at risk. Most notable among these was New York's Mobilization for Youth Program.

In the 1970's, came the era of open rebellion against the "establishment". Federal reaction to this offensive created a new thrust, generally known as the National Strategy for Youth Development.

The stated goal of the National Strategy for Youth Development is the prevention of delinquency. The strategy to obtain this goal was divided into three elements which are derived from a recognition that the majority of youth are not delinquent. Subsequently, questions are termed in the majority rather than the few.

The Youth Service System is conceptually a very sound plan and strategy and should facilitate the kinds of changes needed within agencies.

H.R. 6265 appears to provide the mandates which have been missing in the past, and shows promises of effective changes in the juvenile justice system.

Generally speaking, this could indicate a genuine commitment by the Federal government to make changes, or may imply a deeper political entrenchment of social control by the Federal government than ever before.

We are of the opinion that such Federal involvement must include an appropriate amount of community involvement which should include resources for comprehensive services, including advocacy and other necessary change agents.

As previously stated, the purpose and intent of the Bill are without challenge; the participatory inclusion of private and public agencies is a most pleasing aspect. It is this factor of inclusion that we feel is most critical if the minority communities are to ever impact the planning process of the Federal, State or Local governments. In those communities where necessary agencies do not exist, it is important that the Bill contain funds to establish institutions to serve the community's youth. Prevention of delinquency must be combined with physical facilities where youth can congregate, play, and learn, in addition to the school environment. This is an important feature and must remain in the legislation. In instances where it is proven that the community is not able to raise its share for construction. Federal loan guarantees or Federal provisions should be provided to establish such institutions.

We would like to offer our endorsement to the Bill and strongly urge its passage.

SUMMARY

In summary we are proposing for inclusion in the legislation the following programs. These programs represent the combined experience of professional, lay, and youth representatives. A program for the prevention of Juvenile delinquency should contain all of these elements in order to be successful.

1. Parenting skills should be an integral part of the prevention program.
2. The learning environment-school and community must be an integral and coordinated part of prevention program and hence, conducive to maximum utilization.
3. There must be a meaningful partnership between the child and society (school) in determining the needs of the child and the needs of society.
4. A prevention program must have clear indications that positive behavior will be rewarded. Therefore, achieving and non-troubled youth should be involved in treating the so-called juvenile delinquent.
5. A prevention program must deal with the youth and his present condition and at the same time help him to develop a positive way in relating to his environment.
6. Construction of modern facilities designed to service the total needs of youth should be a major component of a prevention program: a. hostel, b. recreation programs, and c. learning systems.

All programs should have measurable immediate and long range goals.

COUNCIL OF JEWISH WOMEN OF LOS ANGELES, INC.,

Los Angeles, Calif., April 3, 1974.

HON. AUGUSTUS F. HAWKINS,
Chairman,
Committee on Education and Labor,
House of Representatives,
Washington, D.C.

DEAR MR. HAWKINS: We are very grateful to have had the opportunity of showing you one of our El Nido Lodges last Saturday morning.

The girls were so high when you all left that they could not stop talking about having had direct input into possible federal law! They then sat down and wrote letters to you and Mr. Bell which we have photostated so that you can each have copies.

We, like the girls, appreciate having an opportunity to share experience and concern with legislators who can take effective action. If there is anyway we can be of help, we will do everything in our power.

Sincerely,

ILENE R. OLANSKY,
President.
VIOLET R. SHAPIRO,
Executive Director.

[The letters referred to appear in the committee files.]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

WEDNESDAY, APRIL 24, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 10:08 a.m., pursuant to call, in room 2261, Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee) presiding.

Present: Representatives Hawkins, Chisholm, and Benitez.

Mr. **Hawkins**. The Subcommittee on Equal Opportunities is called to order.

Today, the Subcommittee on Equal Opportunities conducts hearings on H.R. 6265, the Juvenile Justice and Delinquency Prevention Act, and related legislation. This bill, which I was privileged to cosponsor with my colleague, the Honorable Carl D. Perkins, would make possible a broad and comprehensive assault upon those social and individual factors which contribute to delinquency.

It would provide substantial Federal support to the care and treatment of youth in trouble with themselves, their families and society.

Essentially, H.R. 6265 addresses itself to the need for: (1) diverting juveniles from the juvenile justice system; (2) Federal support for a comprehensive coordinated approach to this serious problem; and (3) the establishment of community-based treatment facilities which will serve youth in trouble without removing them to remote depersonalized institutions.

Four additional days of hearings will be held on this legislation. In addition to today's hearings, the subcommittee will also conduct hearings on May 1st, 8th, and 9th.

Earlier hearings were held on this legislation in Los Angeles, Calif., on March 29, at which time we were privileged to receive expert testimony from a variety of knowledgeable sources, representing a broad spectrum of views from that area.

In addition, on March 30, my distinguished colleague, Mr. Bell, and I, visited two innovative community-based treatment facilities. There we had the opportunity to learn from staff and residents their views of how the Congress could be most effective in dealing with this important issue.

I am pleased to note that some of these youngsters took the time to correspond with me following that visit. Their remarks at the proper time will be inserted into the printed record of these hearings.

This Nation's most precious and valuable resource is its youth. They are, at the same time, however, America's most neglected and disadvantaged resource.

There are vast differences in the opportunities which are available to youth of various races and classes. In addition, institutions which are responsible for meeting their special needs often fail to do so. As a consequence, the number of youth in conflict with the society is increasing astronomically.

There is also every reason to believe that the kinds of problems which these youths bring to their homes, schools and other institutions are increasingly complex.

There is ample evidence which documents that earlier attempts to deal with the problems of youth in trouble have met only with limited success. States, localities, and private agencies are usually unable to deal creatively with these problems because they are financially strapped and are therefore unable to initiate sustained innovative approaches.

The Federal efforts have been tentative, fragmented, and hesitant. They have typically lacked a demonstrative ongoing commitment.

Revenue sharing has dismally failed to provide lasting relief in this area. There are reports that only about 1 percent of revenue sharing moneys are being allocated by States and localities to human services and that, of this amount, none is specifically earmarked for youth services.

Thus, without Federal leadership which specifically and categorically authorizes funds for this purpose, the possibility of improvement by States, localities, public and private agencies is bleak.

America's commitment to excel and provide leadership in science and technology must be translated to one of its least influential groups—its youth. It is these youngsters who further disproportionately burden the resources of this Nation through increasing crime rates, raising unemployment and underemployment, dependency upon the public dols for support, and so forth.

My bill would attempt to halt these spiraling costs in both human and financial terms. I propose to make almost $1 billion available over a 3-year period to provide major reform in the area of services to troubled youngsters.

Within the framework of a broad, comprehensive approach, it would, through an easily identifiable administrative structure, make these moneys available to public and private agencies which serve delinquent and predelinquent children, within and outside of the juvenile system; it would include diversion, control, treatment, rehabilitation, training, technical assistance, as well as research and demonstration in its program.

Our three witnesses today have undertaken significant national leadership in assuming responsibility for the improvement of services to children in trouble.

The first of these witnesses whom I have the privilege of introducing at this time to the subcommittee is the Honorable Birch Bayh, U.S. Senator from Indiana, who, as chairman of the Senate Subcommittee to Investigate Juvenile Delinquency and with the able support of his distinguished colleagues, favorably reported S. 821 to the Senate committee of the Judiciary.

Certainly, I think nothing I could say this morning to introduce the first witness would be adequate, because I think no one in the Congress has given us stronger leadership, and he has given us as much inspiration as one could—it has influenced the chairman of the committee and certainly the chairman of the subcommittee.

It is a privilege to have you before the subcommittee this morning.

We have your written statement. It will be entered in the record in its entirety.

STATEMENT OF HON. BIRCH BAYH, U.S. SENATOR FROM THE STATE OF INDIANA; ACCOMPANIED BY ALICE POPKIN

Senator BAYH. May I ask Mrs. Alice Popkin, who is our chief expert in the area of juvenile delinquency and whom I believe is one of the outstanding national experts in this subject, to join me here?

Mr. HAWKINS. It is a privilege to have your associate here with you. She has been wonderfully cooperative with the subcommittee and the staff.

Senator BAYH. Mr. Chairman and Members of the Committee, due to an emergency, I will be forced to leave sooner than I might otherwise, and if it is agreeable to you, sir, I ask to have the statement placed in the record. I will touch on the high points and then I will be glad to answer questions.

Mr. HAWKINS. Without objection, so ordered.

[Senator Bayh's prepared statement follows:]

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

I want to thank the distinguished Chairman of this Subcommittee, Congressman Hawkins, for giving me the opportunity to talk with you about legislation which I introduced, to deal with American's delinquency problem—the Juvenile Justice and Delinquency Prevention Act (H.R. 6265 and S. 821) and the Runaway Youth Act (H.R. 9298 and S. 645).

As Chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, I continue to be shocked that children under 18 are responsible for almost half the serious crime in the United States. I am deeply troubled by the failure of the Federal government to deal with the tremendous cost to our society of juvenile crime is wasted economic and human resources, fear and blighted young lives.

The Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act are needed responses to this tragic failure. The Juvenile Justice and Delinquency Prevention Act will provide for comprehensive coordinated Federal leadership with assistance to states and local government and private agencies for preventive and rehabilitative alternatives to juvenile corrections. The Runaway Youth Act offers a constructive solution to the problems of runaway youth who are all too frequently started towards a delinquent life. I know you and your colleagues will give these bills the thoughtful consideration they deserve. We owe this obligation to the welfare of our children, our greatest national resource.

The Juvenile Delinquency Subcommittee, during my three years as chairman, has conducted extensive hearings and investigations on juvenile justice and corrections, and the role of the Federal government in the prevention and control of juvenile delinquency. Expert witnesses, including State and local officials, representatives of private agencies, social workers, criminologists, judges, and criminal justice planners have testified at length on all aspects of the existing juvenile justice system and the lack of alternatives to institutionalization. These witnesses have generally agreed that the present juvenile justice system is bankrupt and that the Federal delinquency effort is fragmented and ineffective and lacks sufficient focus in the prevention area.

The Juvenile Justice and Delinquency Prevention Act of 1974, S. 821, is the result of a three years bipartisan effort to overhaul Federal juvenile delinquncy programs. I developed this measure during the 92nd Congress, when it was introduced at S. 3148. The Subcommittee has held 10 days of hearings and heard 80 witnesses on S. 821 and S. 3148. I joined with my distinguish colleague from Kentucky, Senator Marlow Cook, the ranking minority member of the Subcommittee, in introducing S. 821 a revised and improved version of the bill on February 8, 1973. We are gratified that Mr. Hawkins, your Chairman, joined with the distinguished Chairman of the House Education and Labor Committee, Mr. Perkins, in introducing a companion bill, H.R. 6265.

I am pleased that the Senate Subcommittee on Juvenile Delinquency unanimously reported S. 821 to the full Judiciary Committee on March 5, 1974. I am further gratified by the cosponsorship of this bill by 23 distinguished colleagues: Senators Abourezk, Bible, Brock, Burdick, Case, Church, Cranston, Gravel, Hart, Humphrey, Inouye, Kennedy, Mathias, McGee, McGovern, Mondale, Montoya, Moss, Pastore, Randolph, Ribicoff, Tunney, and Williams.

S. 821 reflects the consensus of people working in the juvenile delinquency field on the effectiveness of community-based facilities and services for delinquents and neglected, abandoned children and other potential delinquents as alternatives to the current juvenile justice system. This vitally needed legislation has received the endorsement of the following national organizations experienced in dealing with different aspects of the delinquency problem: National Council on Crime and Delinquency, the National Council of Juvenile Court Judges, the American Parents Committee, the Boys Clubs of America, the Girls Clubs of America, the American Federation of State, County and Municipal Employees, the National Congress of Parents and Teachers, the National Executive Committee of the American Legion, the National Legal Aid and Defender Association, the National Council of Jewish Women, the National Association of State Juvenile Delinquency Program Administrators, the National Association of Social Workers, the Family Service Association of America, the National Governors Conference, the National League of Cities and U. S. Conference of Mayors, and many other concerned organizations.

With the support of these groups and the backing of distinguished colleagues from both parties, I am committed to do everything in my power to assure the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

S. 821 and H.R. 6265 provides the structure for national leadership and the commitment of resources necessary to create a powerful partnership of Federal, state and local governments and private agencies to prevent and treat juvenile delinquency and to improve the quality of juvenile justice. The Juvenile Justice and Delinquency Prevention Act emphasizes the critical need to prevent delinquency: it provides for the development of services which will reach potential delinquents and assist them in resolving their difficulties at home, at school, and in the community. My bill also seeks to develop alternatives to the traditional juvenile correctional system, such as shelter care, group homes, and probation subsidy programs. It provides strong incentives to divert children from the juvenile justice system through community-based diagnostic and rehabilitative services and programs to work with parents and other family members to retain the juvenile in his own home. It recognizes that the primary responsibility and hope for meaningful delinquency prevention and treatment lies with the local community where the child's problems first begin.

The desperate need for the Juvenile Justice and Delinquency Prevention Act is clear. Our hearings have revealed beyond any shadow of doubt that problem children rarely receive the help they need. Instead, these children are incarcerated in antiquated, custodial institutions where they are frequently beaten, neglected, and homosexually assaulted. Witnesses before the Senate Subcommittee repeatedly emphasized that large custodial reformatories or training schools do not rehabilitate juveniles and may even force children to learn criminal skills to survive inside the institutions. This is doubly tragic when we consider that these children are so often the victims of parental and societal neglect. Approximately half of the institutionalized juveniles are locked up, not because they committed a criminal offense, but because they are runaways, truants, or are not wanted at home. Our hearings revealed that there are productive ways of handling children in trouble, such as the programs authorized by S. 821, which could end the cycle of delinquency, incarceration, and increasingly serious criminal activity.

Some State and local governments and private agencies have successfully utilized the community-based treatment techniques outlined in this bill. In the course of hearings on the Juvenile Justice and Delinquency Prevention Act, we learned of states which have developed group homes and residential treatment centers as viable alternatives to incarceration. The experience of the State of Massachusetts in closing down traditional juvenile institutions and placing the juveniles in group homes and other shelter care facilities is well known. Kentucky is another state which is developing alternatives to incarceration like those provided for by S. 821. Kentucky has phased out Kentucky Village, a reform school for delinquent youth which contained as many as 700 young people, and has created a variety of alternatives in its place, including group homes, halfway houses and small, decentralized intensive residential treatment centers with a maximum individual capacity of 40 young people. "Hard to place" delinquent youth who had been in training schools for as long as five years have been placed in foster and group homes. The recidivism rate during the first year of this new program was a remarkably low ten percent. S. 821 would make it possible for Kentucky to increase its present level of community-based services and to continue towards its goal of further reductions in institutionalization.

There are other encouraging examples of youth programs designed to give children the support they need in my own State of Indiana. The Youth Advocacy program in South Bend, Indiana, provides a wide range of services for young people, including an alternative school program for dropouts with the primary goal of preventing delinquency. The legal services component, which is working to protect the rights of youth, most recently won a landmark case involving the rights of juveniles locked up in Indiana Boys' School. The Youth Service Bureau in Peru, Indiana, operates a hot-line and drop-in center for young people who need immediate help with their problems. The Howard County Youth Service Bureau in Kokomo, Indiana, provides a crisis intervention service which is so effective that the juvenile court judge uses it as an alternative to probation.

California has developed a probation subsidy program, whic his one of the alternatives to institutionalization encouraged by S. 821. In such a subsidy program, a unit of local government is reimbursed for every juvenile retained at the local level rather than sent to a state correctional institution. The operation of the probation subsidy program in California from 1966 to 1972 resulted in the reduction of commitments to the State by 10,624 juvenile at an estimated savings of $68 million. This worthwhile program benefits the taxpayer, provides assistance to local governments, and encourages treatment of the juvenile in his home community where the possibility of rehabilitation is the greatest.

The Juvenile Justice and Delinquency Prevention Act, S. 821, emphasizes the importance of private agencies in developing and providing youth services. The YMCA has told us of their 50 programs in inner-city facilities which receive referrals from juvenile courts. These youth-residential centers work with young people on a one-to-one basis to solve each child's particular problem whether it be school, jobs, drugs, or difficulties in the home. The YWCA has also started programs to work with girls who have been identified as having trouble in school or in the community, before the difficulty leads to serious trouble. Dr. Karl Menninger, the noted psychiatrist and criminologist, testified before our Subcommittee about the success of the Villages, a concept of foster group living, which he developed, in caring for neglected and homeless children. Given adequate support and encouragement, these private, voluntary efforts can unquestionably be effectively adapted in other communities.

S. 821 creates strong accountable Federal leadership and authorizes substantial new resources to states, local governments and public and private agencies to encourage the development of programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system and to provide community-based alternative to traditional juvenile detection and correctional facilities. My bill would create a Juvenile Justice and Delinquency Prevention Administration within the Department of Health, Education and Welfare, which would provide overall planning and establish objectives and priorities for all Federal juvenile delinquency programs.

This new Administration in HEW is authorized to make grants to states based on relative population under 18 for delinquency prevention, treatment and rehabilitation programs. Each state would be required to develop an approved state plan administered by a single state agency designated by the Governor and supervised by a representative board which would be the focal point for juvenile justice programming at the state and local level. S. 821 would also authorize HEW to make direct special emphasis and treatment grants to public and private agencies to develop and implement new approaches to delinquency prevention, treatment and rehabilitation.

S. 821 also contains provisions for amendments to the Federal juvenile delinquency act and the creation of a juvenile justice institute which are not contained in H.R. 6265. The establishment of the National Institute for Juvenile Justice would be vitally important to the effectiveness of the new delinquency programs. Research would be an integral part of the new national approach and all the programs funded by S. 821 would be evaluated.

The Institute would also serve as a delinquency information clearinghouse and would be responsible for conducting training programs for professional and volunteer personnel in the juvenile justice field. The need for such an Institute has long been recognized. Many of your colleagues in the House have supported a similar concept in the Institute for Continuing Studies of Juvenile Justice contained in H.R. 45 introduced by Congressman Railsback. I urge you to consider adding provisions for a juvenile justice institute to H.R. 6265.

Finally, S. 821 contains a series of specific amendments which are not contained in H.R. 6265 to the Federal Juvenile Delinquency Act designed to modernize procedures for handling juveniles under the jurisdiction of the Federal court and to guarantee juveniles substantially the same rights as adults. These amendments would bring Federal procedures in line with the higher standards set by various model acts, state codes, and court decision. Although less than 700 juveniles are annually processed through Federal court, the Federal Juvenile Delinquency Act is important since the Federal code is often considered a model for state statutes. I hope you will consider adding the Amendments to the Federal Juvenile Delinquency Act to H.R. 6265.

The provisions of S. 821 providing for both formula and special emphasis grants are central to S. 821 and are contained with some differences in H.R. 6265. However, H.R. 6265 would establish a National Office in the Executive Office of the President to administer the act as was originally the case in S. 821. S. 821, as amended and reported by the Senate Subcommittee, places the new coordinating Administration in HEW due to the need to strengthen existing departments. HEW is the logical department to become the focus of the Federal juvenile delinquency effort due to its expertise in such related areas as child welfare services, education, mental health, and vocational rehabilitation.

No Federal department currently has the authority and the resources to provide the necessary leadership in prevention, diversion and creation of community-based alternatives. The Law Enforcement Assistance Administration spends only about a fifth of its funds on juvenile delinquency programs even though juveniles are responsible for almost half the serious crimes in this country. Furthermore, these funds are devoted primarily to programs for adjudicated delinquents and LEAA views its prevention responsibility as recidivism prevention. Even if LEAA had a broader view of its prevention responsibility, it would not provide national leadership in the prevention and treatment of juvenile delinquency, because LEAA's funds under the Omnibus Crime Control and Safe Streets Act is that the vast bulk of its funds go to the states who decide their own priorities.

Theoretically HEW has responsibility for delinquency prevention. However, the history of HEW's ineffective and insufficiently funded administration of the Juvenile Delinquency Prevention and Control Act of 1968 (now renamed the Juvenile Delinquency Prevention Act), has been the cause of continuing concern of the Senate Subcommittee on Juvenile Delinquency. For the last few years, HEW has focused on funding youth service systems outside the juvenile justice system which do not begin to grapple with the delinquency crisis of this country. Indeed HEW does not pretend to provide any direct services to youth such as group homes and halfway houses.

The time is long passed for such half measures as are proposed in H.R. 13737, the Youth Opportunity and Juvenile Delinquency Prevention Amendments of 1974. This bill is really an extension with some changes of the existing Juvenile Delinquency Prevention Act of 1972 which expires in June of this year.

The Senate Subcommittee has twice reluctantly extended this act which has been noted for limited authority, inadequate appropriations, and weak administration. In extending the Act for two years in 1972, a majority of the Senate Subcommittee made clear that the extension was no substitute for vigorous national leadership and the substantial resources necessary to find an effective answer to the delinquency problem. H.R. 13737 does little besides extending the existing legislation and adding a demonstration program with an emphasis on runaways. After three years of study and thorough investigation by the Senate Subcommittee to Investigate Juvenile Delinquency, it is clear that S. 821 is needed to provide the long range commitment by the Fedral govrnment to develop and implement services to youth who are delinquent or in danger of becoming delinquent.

It is particularly ironic that HEW is now seeking authority in its suggested extension of the Juvenile Delinquency Prevention Act to create demonstration programs for runaways with little hope of creating the needed nationwide approach to this problem. The Runaway Youth Act, which I introduced in 1971, provides for a constructive, relatively inexpensive program to discourage juvenile crime and salvage thousands of young lives which otherwise could be wasted.

The Runaway Youth Act authorizes the expenditure of $10 million annually to provide temporary shelters and counseling services for the estimated one million youngsters who annually run away from home. Runaways pose a problem of growing proportions as more and more younger and younger children, primarily girls, take to the streets. The FBI reports that in 1972 199,185 youths were arrested as runaways. This in an increase of 39% between 1967 and 1972. More significantly the most common age arrested was in the 13–14 age bracket. These arrest statistics demonstrate that runaways significantly occupy police time and with little constructive result.

The recent tragic multiple murders of juveniles in Houston has underlined the desperate situation of youth on the streets. Young people receive inadequate or no services when they run away and often fall into the hands of street gangs and drug pushers and are started on the road to delinquency in order to survive.

The Runaway Youth Act passed the Senate late in the 92nd Congress and again on June 8th of 1973. I hope you and you colleagues will see that this vitally needed legislation is speedily passed by the House.

There is a critical need throughout this nation for effective services for children in trouble which underscores the urgency of passage of S. 821. The sad truth is that juvenile delinquency is at the bottom of the White House's list of crime control priorities. The inadequacy of the Federal performance is further exacerbated by efforts to cutback drastically social services for young people and their families. The Juvenile Justice and Delinquency Prevention Act builds on existing knowledge of the best ways to help children in trouble Nothing less than this comprehensive bill will provide the resources and the leadership commensurate to the size of the delinquency problem. Now it is up to us in Congress to make sure the job gets done.

Mr. HAWKINS. May I say, Senator Bayh, I understand you must leave on an urgent matter at 10:30 and the subcommittee will make every effort to accommodate you.

Senator BAYH. I will be glad to come back or you may submit questions or discuss this matter informally.

I know that you and the Senate and House committees have a great common interest here. Let me just touch quickly on what we have considered and are trying to do in the Senate. I think we are going to be successful over there although it has been matter of some frustration over the years.

Of course we are looking to you in your typical fashion to provide the leadership over here and I am certain you are not going to be found wanting.

I want to say how much I appreciate the fact you have introduced the Hawkins bill H.R. 6265, the companion bill to S. 821. Let me address myself quickly to it and the provisions of Senate 821. If I might, I would like to touch on the Runaway Youth Act as well, inasmuch as you are going to be considering this bill also in the next week or so.

The problem is we have a tremendous number of young people living in troubled environments and troubled circumstances. We also have many who are not living in what could be described by sociologists as troubled circumstances but nevertheless are getting in trouble.

The whole thrust of S. 821 and H.R. 6265 is to deal with young people who, if left unattended, will get into trouble. I am concerned with what this means.

If we want to broaden our horizons, the hard facts are that about 50 percent of all the serious crimes are committed by young people 18 years or younger.

In terms of unfulfilled dreams and lost values it is essential that we do something constructive to reduce the spiraling crime statistics. With all due respect I suggest that this legislation is likely to do more about stopping crime in the next decade than any piece of legislation I have seen.

The whole thrust of H.R. 6265 and S. 821 is to deal with prevention, so that children do not commit that first criminal act.

Juveniles have a high recidivism rate. We treat our young offenders in such a manner that we almost guarantee the chances of committing a second or third criminal act.

The Runaway Youth Act is designed to deal with the rather tragic fact that runaways nowadays are not "Huckleberry Finns" but are comprised of at least a million boys and girls running to the bright lights or running to escape problems they can't cope with at home. The average age, from our study, is between 13 to 14. There are more girls who run away than boys .

The Runaway Youth Act is designed to provide a way to get these youngsters off the street; provide shelter, food and medical attention; and start the process of communication to get them reestablished in their own home and home communities. In order to prevent succeeding runaways, this bill is designed to create in the local communities centers which will give attention to the problem which caused the young person to run away in the first place.

Let me just touch on one case history which ties together the need for both these bills. It involved a young 13-year-old girl named Debbie who resided in El Paso but she could have lived anywhere.

She violated the Texas Incorrigibles Statute and was subject to arrest. She was arrested and returned to her parents. When she was returned to her mother, her mother said, "I don't want anything to do with her." Ultimately, a judge put her in jail where she was commingled with other inhabitants of a women's detention facility.

Some time later, 10 months I believe, a legal defense counsel asked her some questions including "Why did you run away?" This 13, now 14-year-old girl, who had been incarcerated in jail for 10 months, said that the reason she had run away was because she was tired of being sexually molested by her stepfather.

When we commingle juveniles with adult offenders, it is often imperative for them to learn criminal ways just to stay alive in some of these institutions.

This is a very comprehensive approach. I won't go into detail about the Runaway Youth Act. It is purposely kept very simple. Priority is given to grants of $50,000 because we wanted to set $50,000 worth of service, if possible. We felt that the runaway unit should be small enough that the young persons could be assisted and returned home.

Juvenile Justice and Delinquency Prevention Act which is now pending before the full Judiciary Committee is the result of a 3-year study. The subcommittee heard 80 witnesses, and after the bill seemed ready to go, we took it out into the field and we held hearings in which we invited public officials and agencies to tell us whether the product of our labors over the last 3 years was going to be acceptable to people who had worked for a lifetime with young people.

We also made an effort to get the opinion of national associations. I am proud to say that S. 821 has the support of some 35 national organizations. I don't know of a single national organization which has significant credentials in working with young people, that is not behind this legislation.

I think this is going to be helpful to us in not only getting it passed by both Houses of Congress but also in seeing that it is correctly implemented.

S. 821, and its companion measure H.R. 6265, are trying to provide some continuity in the way juveniles are treated. Right now, if you come to Washington and ask a Congressman or Senator for some assistance in obtaining funding for juvenile purposes, you would have to go to see some 40 agencies. This bill would coordinate the juvenile delinquency activities of existing agencies.

In addition, we provide funding for private organizations now doing the job in the field. I think it is a sin to have duplication in services for young people; if there is a private agency which can do the job, it is not necessary to establish a governmental institution.

Without going into detail, because you are familiar with the bill, I just want to add that the bill is trying to provide alternatives to institutionalization.

We are trying to emphasize the need to utilize those nongovernmental institutions, the home, the family and the school, to provide rehabilitative opportunities and services for young people. We are trying to emphasize the need to deinstitutionalize.

Consistently, witness after witness have said that reformatories don't reform and correctional institutions don't correct. There are many dedicated people who work in the juvenile justice system who are forced to act as mere custodians.

I hope you will have a chance to study the deinstitutionalization in Kentucky and Massachusetts. These programs have been very salutory, in my judgment, although we don't know the final results yet.

Let me just touch on two or three areas where there are differences between S. 821 and H.R. 6265, because the whole thrust of those two bills is similar.

There is a title II of our bill which provides due process for juveniles under Federal jurisdiction. Title II is not contained in 6265 primarily due to jurisdictional reasons, but I hope by working together we can do something to add title II to the House measure.

The second difference is in title III, where we changed directions on you, as originally introduced S. 821 was identical with H.R. 6265 in establishing a White House office to coordinate juvenile delinquency programs. S. 821 now, recognizing the pragmatic problems of such placement, would establish a program headed by an Assistant Secretary in HEW.

Title V which provides for a National Institute of Juvenile Justice is also not in H.R. 6265. This is also a product of jurisdictional considerations in the House. Congressman Railsback has been a very strong advocate of a Juvenile Justice Institute. The comprehensive approach in S. 821 provides for a National Institute of Juvenile Justice within HEW. I hope you will give some attention to that Juvenile Justice Institute idea. It provides a clearinghouse for information, a resource for training the kind of professional help we are going to need, and of course it provides for needed research and evaluation.

I would be pleased to answer a few questions.

Mr. HAWKINS. On the differences that you have indicated, I am in broad agreement with you; we do intend to modify the bill to provide the changes in the juvenile system but that may be carried in a companion bill, for jurisdictional reasons.

On the second point, as to the structure of the agency, I certainly agree with you, your conclusion that HEW will be a much better home than was originally proposed.

Then as to title V, the Institute, we have had discussions with Congressman Railsback and certainly it is our intent to possibly incorporate the Institute idea into this bill.

So I think we are moving close together and what few differences do exist will certainly be reconciled during the hearings which we will hold this week and probably the first part of May.

I will forego any questions because of time.

Mrs. Chisholm.

Mrs. CHISHOLM. I know the distinguished Senator has to leave, but I would like to ask, in your subcommittee's 10 days of hearings on this question, what did you find are the relative benefits of categorical funding as contrasted with the general revenue concept that everybody is talking about? What is your stand on this?

Senator BAYH. I think if we are determined to deal with specific unattended problems such as juvenile delinquency, it must be done through existing governmental agencies, and to expect this to be done by revenue sharing is to expect the impossible.

Mrs. CHISHOLM. Do you advocate establishing some means to prevent the discriminatory treatment, the expulsion of minority members going to desegregated schools, as a result of which we are having an increase of juvenile delinquency in many parts of this country?

This is becoming a problem. Minority students who have because the desegregated schools are being expelled, maybe on the part of the staff at the school have an inability to comprehend the background of these children, and they, too, are joining the troops of the juvenile delinquents.

Senator Bayh. That is something I am very familiar with in my State and I know you are familiar with this problem. I should point out that we do have a significant amount of leeway to let each local communities determine the various ingredients of its program in S. 821.

In other words, we are not sitting in Washington writing a bill which says, "You have to do the following 69 things or you don't qualify for this program. On the contrary New York or Indiana or California have broad discretion to decide what to do about delinquency under S. 821.

In fact, there is ample opportunity under this bill to provide additional counseling and services to children who are about to be expelled and long before they reach that stage.

In fact, one of the best suggestions made to me, at hearings we held in the field to obtain suggestions concerning this bill concerned counseling. At one meeting a number of grade school teachers suggested that the guidance counselors should not be placed in junior and senior high school but rather in the second, third and fourth grade to find out what can be done to keep the child in school at that level. Once a child drops out of school he is a prime candidate for training school and after that for prison.

Mrs. Chisholm. Thank you.

Mr. Hawkins. Mr. Benitez.

Mr. Benitez. In Puerto Rico we have just completed a 5-year study on juvenile delinquency. One of the basic conclusions was the enormous responsibility of the school in forcing young children into delinquency—particularly from the slums. They regard the school as a last chance of remaining within the social structure, and the evil resulting from the basic approach of schools to "get rid of the rotten apples" and "good riddance of troublesome students" was a decisive factor in cutting off their links with society.

My question is whether is your bill or in your basic approach you feel sufficient attention is given to the factor of prevention through social attention prior to the breakout of juvenile delinquency.

Senator Bayh. Yes, sir, I think this bill should be recommended, and for that reason more than any other.

If there is one word that sums up the goal of S. 821 it is prevention. There are a lot of protestations from HEW that they are solving all the problems, but if you go out in the field and talk to the individuals who supposed to be the beneficiaries of these services, you will find out that most services for delinquents or potential delinquents are provided after the youth is part of the juvenile justice system.

H.R. 6265 authorizes substantial funding. It is going to be costly to prevent delinquency but it is well worth making such an investment in our youth. If there are ways we can strengthen this aspect of the bill Mr. Benitez we will be glad to do so.

Mr. HAWKINS. Thank you very much.

Mrs. Popkin, thank you.

Our next witness is Hon. Stanley B. Thomas, Assistant Secretary for Human Development, Department of HEW, who is responsible for administering the existing legislation, Public Law 92-381.

Mr. Thomas, it is again a pleasure to have you before the Committee.

STATEMENT OF HON. STANLEY B. THOMAS, JR., ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY JOAN HUTCHISON MILLER; JAMES A. HART, COMMISSIONER, OFFICE OF YOUTH DEVELOPMENT; AND ROBERT FOSTER, CHIEF, YOUTH SERVICE SYSTEMS DIVISION

Mr. THOMAS. Thank you, Mr. Chairman.

To my left is Mrs. Joan Hutchison Miller; on my right, Commissioner Jim Hart, Office of Youth Development, and Mr. Robert Foster, head of the Youth Service Systems Division.

Rather than reading my prepared statement, I would like to make a few comments; then I would be delighted to answer any questions from you or your colleagues.

[Mr. Thomas' prepared statements follows:]

STATEMENT BY STANLEY B. THOMAS, JR., ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

INTRODUCTION

I am pleased to appear before this Subcommittee to present the views of the Administration on H.R. 6265. After this brief statement, I will be happy to answer whatever questions the Subcommittee may have, or to supply information for the record.

We are in general agreement with the objectives of H.R. 6265. However, we believe the same objectives are being attained through the ongoing programs of the Department of Health, Education, and Welfare and other Departments and will continue to be attained if these programs are extended and modified as proposed in H.R. 13737, without the establishment of a new juvenile delinquency action office in the Executive Office of the President, a National Advisory Council or expansive new grant programs. I will speak to the major provisions of the bill after a brief general statement about the Department's activities in the juvenile delinquency field.

The Department, since its establishment, has been serving delinquent youth and youth in danger of becoming delinquent, directly or indirectly, through many of its programs. Most of this aid is in formula grants to States and in project grants to communities and nonprofit organizations, and through technical assistance related to these grants. The programs most directly concerned with youth development and delinquency prevention are located in the newly established Office of Youth Development; National Institute of Mental Health; the Office of Education; and the Social Rehabilitation Service. These agencies expended $66,788,492 in the field of juvenile delinquency for FY 1973. In addition, preliminary computations indicate that under the Omnibus Crime Control and Safe Streets Act of 1968 as amended, LEAA has expended more for juvenile delinquency and juvenile justice in FY 1973 than the $143,000,000 expended in FY 1972

Title II of H.R. 6265 establishes two grant programs—one a formula grant operated by a single-State agency with local participation under an approved State plan, the other a project grant program—both of which would relate to all program aspects of the prevention and treatment of juvenile delinquency, including training. Such programs would duplicate a number of existing ones, the largest of which is the grant program administered by LEAA which involves a State Planning Agency and a comprehensive State plan as well as the efforts of the Office of Youth Development in HEW.

H.R. 6265 authorizes a total appropriation of $1 billion for the two grants for fiscal year 1973 through fiscal year 1976. If the present level of actual expenditures by LEAA and HEW in the juvenile delinquency field is maintained for the same four-year period, the amount would be more than three quarters of a billion dollars. We, therefore, believe existing appropriations are more than adequate for both the comprehensive approaches of HEW's juvenile delinquency programs and for the broader prevention and control support programs of LEAA.

Title III establishes a National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President. This new Office would have a number of functions including coordination of all Federal juvenile delinquency programs, as well as those for neglected, abandoned or dependent youth. This Office would also evaluate problems, review budgets of other agencies, recommend changes in organization and develop a comprehensive plan for Federal JD programs. The implementation of this Title would add another costly organizational layer to a wide variety of Federal programs, when authorization and mechanisms already exist to acomplish most of these objectives.

Although we do agree that coordination is necessary, we believe that setting up of a Special Office isolated from the operational agencies is not the most effective approach. The factors leading to juvenile delinquency are multidimensional in nature, as are those leading to neglect, abandonment and dependency of youth. To place the leadership for programs for such a heterogeneous group in a Special Office concerned with delinquency would, in effect, dissipate any impact on the numerous programs in HEW and other Departments which are far removed from juvenile delinquency. We believe the outcome will be undesirable and will not accomplish what we believe are mutual goals of the Department and this Subcommittee.

Title IV of H.R. 6265 establishes a National Advisory Council of 21 members to advise the Director of the National Office of Juvenile Delinquency Prevention. History and experience has shown that advisory committees serve a very limited purpose, are a waste of taxpayers dollars and create expectations which are never filled.

H.R. 13737 would continue the Interdepartmental Council on Juvenile Delinquency established in 1971 to coordinate all Federal juvenile delinquency programs. We believe that directly involving agency heads insures a greater degree of coordination with a minimum of duplication of effort. Membership on the Council, as designated by the President, has included the Department of Justice, HEW, Labor, HUD, Transportation, Interior, Agriculture, the Office of Economic Opportunity, the Office of Management and Budget, and the Special Action Office for Drug Abuse Prevention. In addition, the following offices and special agencies have been invited to be ex-officio members of the Council: Action, the National Institute of Mental Health, the Office of Child Development of HEW, the Bureau of Prisons, the Veterans Administration, the Department of Defense, and the District of Columbia City Council.

Since the Office of Youth Development was established, it has been active in the work of the Council. There have been three Council meetings since January and numerous staff meetings, focusing on matters pertaining to coordination and joint funding.

The President designated the Attorney General as Chairman of the Council who in turn named the Administrator of the Law Enforcement Assistance Administration as Chairman-Designate. The Secretary named the Assistant Secretary of OHD as HEW's voting representative to the Council.

Another effective coordinating mechanism is the Federal Regional Council (one in each HEW Region), composed of Regional Directors from all of the Federal agencies within the Government. Federal Regional Directors, or their designees, attend Council meetings, and assist the program agencies involved in juvenile delinquency in working with State, local and other Federal agencies seeking combined Federal support. In nine of the regions, the Regional Program Directors for the Office of Youth Development have been designated as the Secretariat for juvenile delinquency programs, and have been charged with the responsibility of bringing before the Council matters of interdepartmental concern in the juvenile delinquency program field.

For example, Office of Youth Development regional staff in Atlanta had a major role in developing an Integrated Grant Administration program for the Atlanta Regional Council. The program provides major HEW and LEAA funding for the Youth Services System in Louisville, Kentucky. Other Federal agencies in the Atlanta Regional Council plan to participate.

The New York Federal Regional Council uses the Office of Youth Development funded Youth Services System in the Virgin Islands to coordinate youth development funding and programming in that protectorate.

HEW has also taken a significant organizational step in the direction of strengthening and coordinating its programs for delinquency prevention and youth development.

In 1973, the Office of the Asistant Secretary for Human Development (AS/HD) was established, including among its units the Office of Child Development and the Office of Youth Development. The placement of these agencies directly in the Office of the Secretary will give their programs greater visibility, facilitate coordination, and most of all impact upon the totality of HEW programs to insure that such programs give special attention to the problems of youth within their specific program target groups.

We are pleased with the increased momentum now taking place in the Office of Youth Development. We believe a greater degree of coordination is possible with the organizational visibility we now have. We have requested a 50 percent increase in our budget and will expand our program activities through the amendments to the Juvenile Delinquency Act included in H.R. 13737.

The Office of Youth Development is currently funding 98 youth service systems, 14 of which are in initial planning stages, 48 are just beginning to provide services; and 36 are in full operation. These youth service systems have linked together through formal agreements, public agencies having statutory responsibility for youth (schools, police, court, and welfare) other relevant public and private agencies, and representatives of the private sector. During the second quarter of this fiscal year, 33 additional contractual agreements were made with relevant public and private agencies. These contractual agreements resulted in increased funding and increased services. During the same period, the 98 YSS served 24,296 youth. Two thousand two hundred sixty-four potential drop-outs have returned to school.

The support furnished by the Office of Youth Development acts as a funding catalyst to attract permanent community financial support and other resources, such as revenue sharing. Our long-range goal is to stimulate interest in order that the youth service projects will continue with reduced or no support from the Office of Youth Development. The 15 projects that are under intense evaluation have generated three dollars from other resources for every one dollar of OYD money. By the end of the fiscal year this ratio is expected to reach four to one.

Through the youth service projects, we have been successful in achieving such changes as eliminating status offenses from statutes, revising police procedures with respect to contact or arrest, revising court intake procedures for filing for a court hearing on status offenders, creating an alternative mode of handling status offenders to be used as a resource by police, court intake and courts, eliminating truancy as a juvenile offense, and providing new decision-making roles for youth within the youth services system and the communities.

The following are some specific examples of OYD funded activities:

a. The City Wide Action Plan in Syracuse is a collection of ten specific service programs, each working in its own area of specialization and interest—but tied together by a single concept: that delinquency prevention begins with providing youth with responsible, acceptable and socially gratifying roles in society. One of the ten components, Salt City Playhouse, displays youth involvement at its finest. It provides meaningful new experiences for kids in a creative positive way and it involves young people working with adults in a common effort. Another component, PEACE, is seen as "nipping delinquency in the bud" by helping youngsters to end a cycle of school failure that usually leads to a whole range of antisocial acts. PEACE is a learning center for children whose special problems have made traditional school meaningless. One of the principal results of this city-wide project thus far has been a cross fertilization of planning bodies among the major youth agencies and those that provide the sources of funding—locally and nationally.

B. In May 1972 the South Bend Youth Advocacy Project cosponsored the litigation of a suit on behalf of all juveniles incarcerated at the Indiana Boy's School, a State institution for delinquent youth. The purpose of the suit was to challenge certain practices at the Boys' School. The first order eliminated corporal punishment from the Boys' School, required new procedures for solitary confinement and for the administration of tranquilizing drugs and restricted cencorship of mail. It also included a provision stating that juveniles have a constitutional right to treatment. The appellant court decisions agreeing wtih the lower court were made January 31, 1974. The lower courts are currently reviewing the Constitutional Standards for Treatment.

C. R. W. Brown Boys' Club of Philadelphia, another project receiving support from OYD, was instrumental in the selection of Gilbert Baez as 1973 national "Boy of the Year" from ten regional winners representing 1,100 boys' clubs in 650 communities. Baez lives with his father in a home even more sub-standard than is normally found in the ghetto. Baez wil receive $4,000 toward his college education. The R. W. Brown Boys' Club is changing the image of North Philadelphia. A feeling has been created that says "You don't have to belong to a gang. You don't have to get high off drugs." The club is a place for anyone that just wants to do something.

D. At the request of Mayor Bradley of Los Angeles, we funded an R&D program to establish a city-wide youth council on February 1, 1974. The youth council in cooperation with city and county youth serving agencies will plan a coordinated youth services system in the city.

E. The St. Louis Youth Service System Agency is developing the administrative capacity to establish and maintain linkages between public and private agencies at the Federal, State, and local levels, and is establishing a demonstration Youth Service Center to assist in coordinating the activities of participating agencies in a specific urban area. Staff of the YSSA office maintains responsibility for developing linkages between the existing youth-serving agencies, utilizing existing resources and expertise to promote responses to youth needs. The Youth Service Center is designed to serve youth referred by the police, schools, and youth-serving agencies. Both informal counseling and referrals to existing agencies wil be provided. Policy for the Center is estabilished by the Citizen Steering Committee, composed equally of local business representatives, community residents, and youth, and overall monitoring and supervision is provided by the YSSA.

F. Sisters of the Good Shepherd Residences, New York—This project is designed to complement and expand the LEAA-funded program operated by the grantee for delinquent and predelinquent youth at the Family Reception Center in the Park Slope area of Brooklyn. The project will expand the provision of preventive services for vulnerable groups of youth and their families; develop coordinated community delinquency prevention strategies; provide youth development services to promote social competence; and draw together community, civic group, and service program representatives into a unified network of youth development services.

Our present program is evidence that progress can be made within the present OHD-OYD organizational structure on each of the functions proposed for the Action Office without setting up this new bureaucracy. In fact, to establish such an Office for one selected program—in this case, juvenile delinquency—is not defensible in view of the numerous other programs in HEW impacting on other serious national social problems.

Before closing my statement, I would like to draw the Subcommittee's attention to H.R. 13737, a bill submitted by our Department to extend and modify the Juvenile Delinquency Prevention Act, which expires June 30, 1974.

H.R. 13737 would amend the Juvenile Delinquency Prevention Act by adding a new program of research and demonstration grants in the field of youth development and juvenile delinquency prevention and treatment.

Many questions still remain unanswered in the field of youth development. How can we reduce youth-adult alienation? How can we reduce premature and negative labelling practices? What changes in policy, practices and procedures of youth-serving agencies and organizations are necessary to eliminate barriers facing youth in finding socially acceptable and gratifying roles? How can we improve skills for learning and living through work experiences, volunteer services and participation in the affairs of the community? These are some of the questions which we hope to answer through our research program.

In addition to its research component, the new program would authorize the Secretary to make grants to any State, its political subdivisions or instrumentalities, and to any nonprofit private agency, institution, or organization for the purpose of assisting the demonstration and treatment of problems leading to juvenile delinquency. Emphasis will be placed upon developing diversion procedures and innovative programs as alternatives to the Juvenile Justice systems.

The focus of the current Act is on the development of coordinated community-based youth service systems in the area served. In proposing the new research and demonstration program, we do not intend to change that focus. Our aim, rather, is to enable us to enrich community-based programs by encouraging them to draw upon carefully selected model projects, assisted under the new authority.

To further this objective, the bill removes the Act's bar against grants to agencies which are a part of the juvenile justice system, and substitutes a provision specifically requiring that the Secretary consult with the Attorney General for th epurpose of coordinating the development and implementation of programs and activities funded under the Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968.

The removal of the bar against grants to agencies which are a part of the juvenile justice system also permits assistance under Title I of the Act pertaining to the community-based youth service systems to juvenile justice agencies. The reason for this amendment is that in some States juvenile justice agencies have the added responsibility of conducting programs intended to divert youth from the juvenile justice system, and therefore could profitably serve as locus for coordinated youth services for prevention and treatment in the grant area. The need for coordinated youth service systems for treatment purposes is also just as great as it is for prevention services.

SUMMARY

HEW will continue its efforts to marshall all of its resources, financial and technical, in order to assist States and local communities to increase their own capacity to deal with the problem of juvenile delinquency. We also pledge our continuing cooperation with other departments and with the Subcommittee in this common effort. We firmly believe that the extension of the Juvenile Delinquency Prevention Act, as amended, coupled with other existing authorizations, will provide ample resources to do the job without program dulication or the establishment of additional organizational entities.

We, therefore, strongly urge the passage of H.R. 13737 as a substitute for H.R. 6265.

Mr. THOMAS. I particularly welcome this opportunity to speak before you just after the distinguished Senator from Indiana has expressed his concern for juvenile delinquency. It can unequivocally be stated that you and the Senator from Indiana have demonstrated your concern about juvenile delinquency.

As I have listened to the Senator and the questions asked of him, I heard such words as diversion, providing alternatives to incarceration, improving our ability to coordinate the delivery of services to young men or women who are delinquent, emphasizing the need for data collection in resolving this matter, and your concern about the problem of runaways. For a second, I thought that you may have been discussing the bill we have introduced. These are areas and approaches in which we are most interested.

The office of youth development has been working with courts and police departments and others to provide alternatives to incarceration. We are very concerned with the specific problem of runaway youth.

We are emphasizing our interest in research and demonstration activities and improving our capacity to gather information on this problem. The problem we face in terms of the discussion on that issue is strategical. We are convinced the principal problem confronting State and Federal Government is that of the proliferation of categorical approaches to resolving the problem of juvenile delinquency.

What we really need is to provide Governors and mayors with the tools to more appropriately bring together the resources that already exist in the community. They have, in fact, not been addressing themselves to this problem as they should.

I think you will agree, Mr. Chairman, that in consulting with mayors and Governors, one of the things they say is that it is difficult for anybody with executive responsibility to resolve the problem of coordination. We think through the 98 youth service systems that the Department has funded throughout the country we have made a very important approach to resolve this issue.

We cannot assume that simply another block grant program is going to resolve the issues and problems; just the reverse potentially could happen, as you also know.

The Law Enforcement Administration has been providing large sums of money for J.D. programs. The sum of approximately $140 million was allocated by LEAA for juvenile delinquency, in addition to the resources we in HEW also spend. Mr. Chairman, by reason of the various amounts we are spending now and the amounts being spent by the Law Enforcement Assistance Administration, the expenditure of almost $1 billion would be achieved under our present authorities.

I want to emphasize the point I feel is very important: it is the problem of the orchestration and organizing of services.

The youth services systems agenda is designed to achieve that, and that is why we have reintroduced such legislation and hope you will look at our legislation in terms of its potential impact.

That is all I have to say Mr. Chairman. I would be glad to answer questions from the committee.

Mr. HAWKINS. Mrs. Chisholm.

Mrs. CHISHOLM. H.R. 13737 amends the Juvenile Delinquency Prevention Act, yet it fails to make any specific request for funding over the next 3 years. How much will you be requesting over this period?

Mr. THOMAS. We asked for a 50-percent increase in our 1975 budget request. In the bill itself, we request such sums as necessary, so we don't have a specific authorization figure. But our 1975 budget request is for $15.9 million in fiscal 1975.

Through the Office of Education's title I program, we anticipate in this fiscal year, fiscal 1974, we will expend approximately $32 million specifically in juvenile delinquent programs.

Mrs. CHISHOLM. Does the Interdepartmental Council on Juvenile Delinquency meet the required number of times, six times a year?

Mr. THOMAS. There have been three meetings within the past few months. I would ask my colleague, Mr. Hart, to address himself to that.

Mr. HART. The requirement of meeting six times a year will be met. Up to now, three meetings have been held, on is scheduled for the near future and two later in the year.

Mrs. Chisholm. Have you been able to bring together any real coordination within the agency?

Mr. Thomas. I would be the last person to say we are as effectively coordinated as we hope to become, but the impact cities program is a demonstration of the ability of agencies to work together. In that program we are working to utilize our resources to bring the various agencies together in a comprehensive system. The Law Enforcement Assistance Administration has also been very aggressive in that regard.

If I might add one other point to a point the Senator made, which is the degree of visibility and the consistent concern which the top levels of the Department have given to the problem of youth development and juvenile delinquency. A little over a year ago the Secretary placed the Office of Youth Development under the Assistant Secretary for Human Development to provide an opportunity for him and for the top elements of the Department to be more cognizant of the problems in this area.

Congressman Benitez is concerned as to what the schools are doing. From the visibility of the program in the Office of the Secretary and from the program's work with truants, I think is very much the concern of the Department as well as the committee.

Mrs. Chisholm. You place considerable stress on the urgency of a coordinated approach on the delivery systems, thereby supporting the Department's support to these structures. As I understand it, this policy position would provide entire support for administrative costs and little, if any, for ongoing costs. Where would you pick up the support for that effort?

Mr. Thomas. We believe the resources we allocate are resources given to the State, the general purpose entity or the private agency responsible for the core of the system. The other supporting resources come from the variety of other sources. Already, our youth service systems are providing service. For example, there is the problem of runaways which has been cited. We have programs we support in this area which may be linked with the social service departments in a given city and other agencies. So, there are those instances when they are specifically an administrative apparatus in bringing other services together.

Mrs. Chisholm. No further questions.

Mr. Hawkins. Thank you. Mr. Benitez.

Mr. Benitez. The previous witness indicated there is a growing trend for the increase of juvenile delinquency and identified quite dramatically the correlation between juvenile delinquency and subsequent adult delinquency.

Addressing myself to the first part of the statement, your research and your statistics coincide with what the Senator said earlier, that there is a growing development of juvenile delinquency throughout the United States.

Mr. Thomas. As a matter of fact, we share your concern and the Senator's concern that the problem of juvenile delinquency is a very major problem in our society. Up until last year and for the past 11 years the rate of delinquency has increased. The statistics we have indicate there was a 1 percent decrease in juvenile delinquency in 1972.

Further, in response to your question, I think the Senator was indicating there is a substantial problem and we believe there is a problem, although there has been a 1 percent decline.

Mr. BENITEZ. What would you say is the main thrust of your office in its struggle to cope with this problem?

Mr. THOMAS. There are two elements of particular importance to us: one is the recognition on our part that the tragedy of juvenile delinquency is exacerbated by the Federal Government's propensity to proliferate categorical service programs. Our basic thrust is that we are emphasizing the importance of bringing service providers together in a comprehensive network. A youngster who has a problem in school has a family that may also need counseling. The youngster may have some specific health problems. We think it important that agencies providing services in these areas are brought into our network.

There has been a mandate, particularly in some of our major youth service systems on guaranteeing contractual relations between various kinds of providers, such as the education system, the health services agencies, et cetera. This means the youngster who has a problem and his family are brought into a system and referred to the appropriate provider.

This comprehensive network is an essential ingredient in service delivery. I have seen too many instances where the Federal Government institutes another program, thereby fragmenting the initial intent.

We are specifically concerned with diverting youngsters from the criminal justice system. We believe, as you know and as the Senator commented, the chances of the youngster being rehabilitated after being placed in a correctional institution are small and their chances of going back are extremely high.

We are very anxious to divert youngsters from this system. Very often we have to change institutional practices. So, we go to a school and say, "Just because a youngster is a truant does not mean you should send him to a court." Those youngsters who commit offenses that are not against persons or property should not be thrown into the juvenile justice system.

Mr. BENITEZ. Do I understand from your argument that you favor the creation of this central office in the Department charged primarily with the responsibility of dealing, at the highest possible level, with the juvenile problem?

Mr. THOMAS. I think we addressed that particular issue last year, Congressman. The Office of Juvenile Delinquency, which was in the Social Rehabilitation Service, clearly didn't have the kind of visibility and effectiveness as we thought it should, which is precisely why it was moved into the Office of the Secretary.

Indeed, Commissioner Hart and his colleagues are responsible for overall coordination of all activities associated with juvenile delinquency in the Department.

Another service provider, for instance, the Office of Education, is spending in the neighborhood of $82 million in areas designed to affect juvenile delinquency. There is always the possibility that as a result of the creation of an additional office for J.D. major institutional providers will begin to say, "That is no longer our problem; there is a new statutory authority for it; there has been a new agency created."

Mr. BENITEZ. Do you think in the present stage of awareness and nationwide concern it is more important to have research guidelines concerning what institution lends the best orientation and thinking and action on these matters rather than to leave it, as you mentioned earlier, to the mayors and Governors to handle the situation?

Mr. THOMAS. The first part of your question was whether we think there ought to be an aggressive involvement in, for example, schools in coming to grips with this problem. The answer is unequivocally yes.

When we have proposals submitted to us, we insist that the major service provider, such as the educational system, be part of that system or an element involved in it. It is the reason we have put an emphasis on trying to change the process for dealing with truants.

Mr. BENETEZ. Do you have research projects concerned with this problem under way at universities and other educational institutions?

Mr. THOMAS. Yes, this is an area where our communication with the committee from our vantage point could be very helpful. We feel a very appropriate Federal role is in the area of research and demonstration. We think a very reasonable role is to provide information and data to people who are concerned with what should be done with these problems.

Mr. BENITEZ. You have human resources for that.

Mr. THOMAS. In the legislation we have submitted, there is provision for research and demonstration projects on juvenile delinquency as well as the problem of runaway youth. I don't have the exact figure we will be spending; I can submit that to the committee.

Mr. HAWKINS. Mr. Thomas, I think you have indicated there is approximately $16 million in the budget for the funding of this program in the next fiscal year. Is that the correct amount?

Mr. THOMAS. $15.9 million; I am sorry.

Mr. HAWKINS. Currently you are spending approximately what amount?

Mr. THOMAS. In 1974 our budget was $10 million.

Mr. HAWKINS. So you are proposing under the legislation which you have introduced——

Mr. THOMAS. Under the legislation it is such sums, but in our budget for 1975 it is $15.9 million.

Mr. HAWKINS. That is the amount proposed in the bill, an increase of $5 million.

Mr. THOMAS. For fiscal 1975 over 1974.

Mr. HAWKINS. So we are talking about all the objectives under H.R. 13737, and a $5 million increase?

Mr. THOMAS. No, I wouldn't say that, Mr. Chairman. What I would say is that the actual services provided to address this issue are provided through a number of authorities, such as the rehabilitation service program, research and development, adult education, library services, educational personnel development, Alcohol and Drug Abuse Administration, and so forth.

All of those programs provided resources directly to the area of juvenile delinquency. As you also know, the LEAA spent over $140 million.

Mr. HAWKINS. I am very familiar with the various agencies that may obliquely be involved with the problem. I am simply asking if, under the proposal you have introduced, you are proposing to spend an additional amount of $5 million. That is a proposal which compares with others; whether or not the Senate bill or the bill which I have introduced is passed. I assume all the agencies you have mentioned will still be providing services. We don't intend to eliminate services or agencies to diminish their assistance, but we propose to focus on a particular problem including the runaway youth and to give to that focus a certain amount of funding. So we are comparing that funding in these other proposals with that suggested by the administration.

Mr. THOMAS. I think all good men can differ on the way things are done. I can remember my former boss, Elliot Richardson, saying if HEW did all the things it was supposed to do for all the people in need it could, it would require a much greater budget.

So I still am very assertive that a new block grant program, the development of a new agency, and all these kinds of approaches will only exacerbate the problem.

One thing we do agree on is purpose. I don't think there is any question on that. The issue I am concerned with is a question of process and strategy. As I say, there is a fundamental difference in our approach.

What we are trying to do is make a service provider do some of the things they are not doing.

Mr. HAWKINS. Will you be more specific? In what way are you going to make those providers do what they have not been doing for several decades? This subcommittee has been out in the field. We have seen delinquent youth and runaway youth.

What are you going to do about 1 million runaway youth, for example; what specific things are you going to do, other than conduct a survey? In what way is a survey going to solve this problem which has existed for years, not only under this administration but under previous administrations as well?

Mr. THOMAS. As a matter of fact, the National Institute of Mental Health will be making about $1 million in grants prior to your legislation or ours. These grants will be made, in the next month or so, specifically to those runaway youth houses and others which currently exist. That is a consequence of our own concern with this problem and precedes anything we have proposed in this specific area or anything proposed by the Congress.

Mr. HAWKINS. What is your relationship with that agency?

Mr. THOMAS. Our whole initiative in that area, and perhaps Commissioner Hart would like to respond to that further, but the whole area was under the action of the Office of Youth Development where the Secretary commissioned the Office of Youth Development to put together a group of offices specifically to address the problem of runaway youth. They are doing it under the direction of that office.

Mr. HART. Under the leadership of the Office of Youth Development in the Offive of the Secretary, there is an intra-agency committee on runaways and an intraagency committee on runaways. As chairman of both these committees, our office was able to impact on the criteria developed by NIMH pertaining to potential grantees. In addition to funding capability, our position in the Office of the Secretary gives us the ability to influence the decisions of others.

Mr. HAWKINS. As we have gone out into the field, we have seen citizens doing a lot more than the Government. In Los Angeles the National Council of Jewish Women has gone out and established these centers. Citizens seem to be doing a lot more than the Government has gotten around to doing. I don't see anything mentioned in the proposal except vague references to what other agencies are doing. What is this specific program going to do to solve the problem, which is growing larger, not smaller?

Mr. THOMAS. I would be the first to admit the whole matter of involvement has been peripheral up to now. In our new legislation we specifically mention the problem of runaways and in our budget request we mention the fact we want to pay particular attention to the problem.

There are three or four areas where we are going to take specific action. We will fund programs directly involved with the runaway youth problem.

Mr. HAWKINS. In what amount?

Mr. THOMAS. In 1974 approximately $1.3 million.

Mr. HAWKINS. That is not enough for New York City.

Mr. THOMAS. We feel—as a matter of fact, Senator Bayh made the point that he did not think there should be any runaway house that should receive more than $50,000. If you add up the number of runaway houses and multiply that by $50,000 you won't come up with very much more.

We will increase the level of that support, so it could conceivably more than double.

Mr. HAWKINS. We spend $1.5 billion on Cambodians. Now you are talking about spending $1.3 million a year on runaway youth in this country. It does not make sense.

Mrs. Chisholm.

Mrs. CHISHOLM. Let me put it this way. I am usually quite frank: The bill that the administration has submitted was somewhat belatedly submitted after there was recognition that the Senate was trying to establish services for runaway youth. In other words, what I am saying is, there was not a real commitment to come up with legislation in this direction; it was only after things began to generate here that the bill was sent up on the Hill and Members started putting it together.

As you read through this bill and you try to find out some real specifics as to what is going to be done about the current runaway problem in this country, nothing is specific. It asks again for more surveys, charts, and studies. Then we have a demonstration program. There is nothing specific which addresses itself to localities across the nation. We have conducted our hearings and listened to the problems of indigenous persons. I don't want to say the bill does nothing, but the bill does not address itself to the problems we are finding.

Mr. THOMAS. The bill we submitted we had every intention of submitting for some time.

You are accusing us of being responsive to the Congress' interest in the runaway problem. We submit we are, and we think you might feel that is a good way for the executive branch to operate.

We have provided substantial flexibility in terms of runaways. I have been very familiar with this issue in my former assignment. I think it is a complex problem. There are no easy solutions.

We felt that before we went helter-skelter in providing incredible resources to address an issue to which there is no simple answer, it would be far more helpful for us to support those things we know do work, such as runaway youth houses.

The FBI statistics say something in the neighborhood of 164,000 youngsters ran away in 1972; we feel it is greater than that. But it seems to me in order to address a problem you have to have more data on the problem .

Mrs. CHISHOLM. I just want to say this: Of course you have to know what you are doing before you can do anything, before you can implement anything, and I am not trying to accuse you or your cohorts in not knowing what you see. Because of the hearings we are having throughout the country and on the basis of what the citizens are telling us, we want to be sure we come up with a bill that is meaningful.

If you need more statistics and information, you can always get the statistics and information from your local officials and persons faced with this problem every day.

Mr. THOMAS. Your point is well taken.

Mr. HAWKINS. I have no further questions, Mr. Thomas. As I say, I simply disagree with the contention that enough is being done and more should not be done than what is contained in the administration's proposal. It seems to me it is nothing more than an empty title with no substance to back it up.

I am very well aware this is not the only agency which would be involved in reaching the problem, but it seems to me that it is terribly inadequate and I would think sometimes the administration might listen to some of the committees.

The Senate committee has been holding hearings on this subject. We intend to conduct hearings every day between now and June, we will come up with not a single responsible group in the country which will say H.R. 13737 does anything.

There must be some reason for that.

Mr. THOMAS. I see many of the interest groups as always pushing the Federal Government to do more. I think they would be interested in that and I think is very appropriate.

I would like to say in the 98 youth services systems currently operating, we estimate in the first quarter of this year in the neighborhood of 25,000 youth were provided services.

We feel the purpose and design of this concept and the services it is providing are effective. For example, we are making sure for every

$1 of funding we are mandating that 4 other dollars go in, which has had a very important effect. We can submit to the committee we have had youth service systems formerly supported by us but because of their effectiveness the responsibility is now being assumed by general purpose agencies and State government.

So I think to not be aware of what we are doing and continuing to do in that process would be unfortunate on the part of the committee. This is not to say that I don't understand the reasons why interest groups are specifically concerned with this, or why they should feel we should initiate another $1 billion program. I think it is very logical, as it would be for the elderly to say we should be doing more for the elderly, and children's groups to say the same for the children.

Mr. HAWKINS. Do you think they are right? Take it from the vantage-point of a concerned citizen's point of view. Do you think these groups are right?

You have to deal with the Office of Budget and Management. You have to deal with that agency and we have to deal with the problems of the people.

Mr. THOMAS. I think that is a very important point. Maybe we have reached the point, hopefully—you can see that we think the processes for delivering services are as crucial as the sources utilized. What I am trying to get across is that I am convinced a new program designation a new agency will not solve this problem, and a year or so from now we would be in the situation of commenting on fragmentation.

We are trying to make the billions of dollars going out to primary service systems, impact on existing institutions and make them far more responsive than they have been.

Mr. HAWKINS. We found unless we mandated something, we did not get any action. We did not get any action on compensatory education until we mandated that. We did not get any action for poor people on bilingual education in most places until we mandated that.

So you can ignore the problems of people if you give a lot of money to somebody else without strings attached, but until people at the local level have power to get needed services, they are not going to be able to go to agencies and get this in the normal manner unless we mandate it.

Mr. THOMAS. I am specifically aware of a runaway youth group which you might recall in San Diego. They have been very successful in getting revenue-sharing funds. I hope you have not construed my remarks to indicate we feel there is not an appropriate Federal role here. What I have said is the way we are approaching it is more credible than a new block program.

Mr. HAWKINS. We would like to work with you on developing this legislation. I think there are some common areas in which we might be able to agree and, if in some way we can agree, we can certainly make H.R. 13737 more than it is now. We will be glad to encourage you.

We are deeply appreciative to you and your associates. We will be leaning on you for a lot of technical assistance as we move ahead.

Mr. THOMAS. Our people would be delighted to provide you and the committee with any technical assistance.

Mr. BENITEZ. Mr. Chairman.

Mr. HAWKINS. Mr. Benitez.

Mr. BENITEZ. We appreciate that you are working under an administration and with a grace responsibility which places you on the defensive vis-a-vis this committee. We believe profoundly in the tasks you are requested to achieve and we understand that you don't have adequate resources and further, that you are not in a position to request them.

So, from our standpoint, we have to blame you for not complying with the task which we feel ought to be discharged and which you, yourself feel ought to be discharged. Your situation, however, precludes you from speaking against the administration's official position.

In spite of any differences between us, we would like you to deal as strongly and effectively as possible with this most serious and grievous problem, and not to sell short the magnitude of the task with which you are charged.

Mr. THOMAS. Well, Congressman, I appreciate your comments. And having been in the Department of HEW for some time now, I recognize that ours is an agency which has many sources competing for its resources, but I think you would be incorrect if you think that I don't fundamentally believe the approach we are taking is the most propitious way to go.

I have seen innumerable block grant programs and I have seen a number of areas which were not as productive as possible. I think the coordinated approach is important. We are doing it in 98 areas of the country where services have been improved as a result of that.

I will be looking forward to working with the committee in the future. Again, thank you very much for having us.

Mr. BENITEZ. What we are interested in is concrete suggestions as to how to advance.

Mr. HAWKINS. May I acknowledge the receipt of some of the questions we had submitted to you in our letter of April 18. We appreciate that and your response will be inserted in the record at this point. Thank you.

[The information referred to follows:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

OFFICE OF THE SECRETARY,
Washington, D.C., April 22, 1974.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Subcommittee on Equal Opportunities,
Coommittee on Education and Labor,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed are responses to the questions included in your letter of April 18 on the Department's involvement in the juvenile delinquency field.

If I can provide you with additional information, please let me know.

Best regards.

Sincerely,

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Enclosure:

Question 1: What is the role of the Department of Health, Education, and Welfare in the field of juvenile delinquency?

Answer: The Department of Health, Education, and Welfare is deeply involved in programs to prevent and control juvenile delinquency and youth crime as well as programs to rehabilitate youthful offenders. Various programs are concerned with prevention of juvenile delinquency and diversion from the juvenile justice system, community-based rehabileitation, institutional educational services, and research and training.

The term "juvenile delinquency" is applied to a wide range of behavior that young people engage in and to society's response to this behavior, including both criminal and non-criminal behavior. Criminal behavior comprises offenses for serious crime such as homicide, aggravated assault, forcible rape, robbery, burglary, larceny and auto theft. Less serious criminal offenses are those of simple assault, forgery, drunkenness, drug abuse, disorderly conduct and so on. Non-criminal behavior ranges from status offenses to dependency cases. Status offenses are offenses that are chargeable to juveniles only—truancy, running away and curfew violations.

Although the term "juvenile delinquency" is a broad one, the growing national concern centers on the serious crimes committed by young people. The youthful offender not only loses status and potential as he is drawn into the juvenile justice system, but also he becomes an item in the mounting cost of juvenile-related crime. It has been noted that youthful offenders have a high rate of recidivism.

Combatting the problems of juvenile delinquency within the Department of Health, Education, and Welfare are programs within the Office of Human Development, the Office of Education, the Social and Rehabilitation Service, and the National Institute of Mental Health.

Question 2: Describe the organization, administrative structure, funding level and program plans of the Office of Youth Development.

Answer: On April 1, 1973, the Office of Youth Development was established within the Office of the Assistant Secretary for Human Development. This Office carries the responsibility for the administration of the Juvenile Delinquency Prevention Act. The Office of Youth Development incorporates the former Youth Development and Delinquency Prevention Administration from the Social and Rehabilitation Service and other selected youth programs within the Department of Health, Education, and Welfare. These include the former Office of Youth and Student Affairs from the Office of the Secretary and a research component on youth from the Office of Child Development.

The Office of Youth Development consists of the Office of the Commissioner. Within this Office are the Immediate Office of the Commissioner, the Legislative Office, the Information Office, and the Office of Planning, Research, and Development. There are two Divisions—the Division of Youth Service Systems and the Division of Youth Activities. In each of the ten DHEW Regional Offices, there is a Regional Program Director for Youth Development and one to two other staff members.

The funding level for 1974 is $10,000,000. The President's Budget for 1975 requests $15,000,000.

The main focus of the Office of Youth Development is the establishment and implementation of youth service systems. Existing projects have been achieving such changes as eliminating status offenses from statutes; revising police procedures with respect to contact or arrest; revising court intake procedures for filing for a court hearing on status offenders; creating an alternative mode of handling status offenders to be used as a resource by police, court intake, and courts; eliminating truancy as a juvenile offense; and providing new decision-making roles for youth within the youth service projects and the communities. These efforts will continue.

A new focus will be directed towards the increasing social problem of runaway youth. To combat this problem, demonstration grants will be awarded to establish or strengthen existing runaway centers. These centers will not only provide temporary shelter care but individually focused services essential to meeting the emotional, psychological, physical, and social needs of runaway youth. A profile of the problems of runaway youth as well as the status of youth throughout the country will also be developed. These runaway projects will serve as a nucleus for this component to be incorporated into and/or developed into a youth service system.

Question 3: Please provide a summary of monies expended by the Department of HEW in the field of juvenile delinquency during FY 1974 by categories of prevention, training and research with a description of these projects.

Answer:

OBLIGATIONS FOR PROGRAMS ON JUVENILE DELINQUENCY [1]

Agency	1973 actual	1974 estimate	1975 estimate
Office of Human Development: Office of Youth Development	$9,994,000	$10,000,000	$15,000,000
Social and Rehabilitation Service:			
Rehabilitation services administration	18,202,000	17,688,000	18,858,000
Rehabilitation research and demonstration programs	700,000	48,000	98,000
Subtotal	18,902,000	17,736,000	18,956,000
Office of Education:			
Elementary and secondary education	27,437,833	27,500,000	(2)
Vocational and adult education	2,000,000	2,000,000	(2)
Library resources	300,000	400,000	200,000
Higher education	29,659	30,000	
Educational personnel development	375,000	375,000	
Teacher Corp	2,500,000	2,500,000	2,500,000
Subtotal	32,642,492	32,805,000	2,700,000
National Institute of Mental Health: Alcohol, Drug Abuse and Mental Health Administration	5,250,000	[3] 8,553,000	4,579,000
Total obligations	66,788,492	69,094,000	41,235,000

[1] Categorical breakdown for prevention, research, and training not available.

[2] Programs previously funded under Titles I and III of the Elementary and Secondary Education Act and under the Vocational Education Act are consolidated under the proposed consolidated Education Grants Program.

[3] Includes $2,300,000 in FY-1973 funds released for use in FY-1974.

NATIONAL INSTITUTE OF MENTAL HEALTH, CENTER FOR STUDIES OF CRIME AND DELINQUENCY—ACTIVE RESEARCH GRANTS [1]

Project Period: 6/68–9/74.

R01 MH14610: "Probation Officer-Case Aide Project," Morris, Norval, Ph.D., University of Chicago Law School, 1111 East 60th Street, Chicago, Illinois 60637, Phone: 312–753–2435.

"This is a study of the use of sub-professionals, including ex-offenders in the supervision of criminal offenders on parole, probation or mandatory release. The training as aides is to develop a model to alleviate the manpower problems in corrections. The study will use controls.

10/64–9/74.

R01 MH14734: "An Evaluation of Differential Treatment for Delinquents," Palmer, Theodore B., Ph.D., California Youth Authority, 3610 Fifth Avenue, Sacramento, California 95817, Phone: 916–452–4107.

This is a study of a community treatment program based on a rehabilitation of court committed juvenile delinquents in contrast to treatment in correctional institutions.

Project-Period: 6/66–9/74.

R01 MH14806: "Maturational Reform and Rural Delinquency," Polk, Kenneth, Ph. D., University of Oregon, 1859 East 15th Street, Eugene, Oregon 97403. Phone: 503–686–5041.

This is a study of the extent to which stresses and pressures in adolescence contribute toward or influence social deviance. The subjects are groups of delinquent and non-delinquent rural high school males (16–21 years) who will be followed from adolescence into early adulthood. Effort will be made to analyze maturational reform (alleviation of major adolescent stress problems) by methods of repeated interviewing, with focus on the interplay of educational and occupational status, academic aspiration, community and family status. The uncertainties of military service and its impact on civilian maturation will have special attention.

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[1] For information on current activities and procedures, contact director of research program.

9/68–8/74.

R01 MH15985: "Intervention in Low Base 'Asocial' Behaviors", Patterson, Gerald R., Ph. D., Oregon Research Institute, P.O. Box 3196, Eugene, Oregon 97403, Phone: 503-343-1674.

This is a study of "deviant" and normal families matched for socio-economic status, age, and size. Families with boys ages 6–11 years are included, with an emphasis on culturally deprived families. Intervention techniques are being used to provide reinforcement for adaptive behavior.

4/70–8/75

R01 MH17946: "Predictive Sentencing of Habitual Juvenile Traffic Offenders", Whinery, Leo H., L.L.M., University of Oklahoma Research Institute, 1808 Newton Drive, Norman, Oklahoma 73069, Phone: 405-301-5334.

This proposal will test the effectiveness of five different treatment techniques in 16–18 year old male habitual traffic offenders while on probation. With the collaboration of the municipal court, offenders will be assigned to one of the five following treatments: (1) fines, (2) individual counseling on deviant motivation to violate traffic laws, (3) group counseling on deviant motivation, (4) driver's education, and (5) group counseling on the consequences of illegal driving practices.

Project Period: 2/70–8/74.

R01 MH17955: "Research on Repeated Exposure to Film Violence," Berkowitz, Leonard, Ph. D., Professor and Chairman, Department of Psychology, University of Wisconsin, Madison, Wisconsin 53706, Phone: 608-262-1569.

This is a research program to examine the effects of film vielence on juvenile delinquents and to examine consequences of repeated exposure to film aggression. Field experiments with groups of incarcerated juvenile delinquents exposed to daily sessions of either violent movies or non-aggressive films will give an aggression measure during a one month viewing period.

1/70–12/74.

R01 MH17960: "Sex Chromosome Abnormality and Behavioral Variation," Walzer, Stanley, M.D., Boston Hospital for Women, 295 Longwood Avenue, Boston, Massachusetts 02155, Phone: 617-232-8390.

This is a longitudinal study of developing personalities of infants with chromosome abnormalities with the objective to gain further understanding about relationships between chromosomal aberration and behavioral variation. Eighteen neonates were found with chromosomal abnormalities—including XXY sex chromosome. Personality organization is to be studied—normal or deviant.

4/70–3/75.

R01 MH18075: "A Comprehensive Study of 47,XYY Male Offenders," Daily, Richard F., M.D., Genetics Building, Room 515, University of Wisconsin Medical School, Madison, Wisconsin 53706, Phone: 608-262-0392.

This is a study to add to knowledge regarding the morphological and functional anomalies occurring in 47,XXY males. Delinquents and offenders will be compared in a blind study, with matched controls. There will be physical, neurological, anthropometric and endocrinological testing, as well as personality and emotional studies. The researcher hopes to answer the questions: (1) are the physical and neurological anomalies more frequently found in XYY males? (2) are there significant differences as to type of crime, age at first arrest, family background, as well as others?

Project Period: 9/66–6/74.

R01 MH18112: "Competency to Stand Trial and Mental Illness," McGarry, A. Louis, M.D., Laboratory of Community Psychiatry, 58 Fenwood Road, Boston, Massachusetts 02115, Phone: 617-731-0384.

An interdisciplinary unit of a lawyer, psychologist, psychiatrist and social worker will examine cases of offenders where the courts have raised the question of competency to stand trial. There will be physical and psychiatric tests, and a case history considered. The purpose is to seek diagnostic and predictive devices for the use of the criminal court.

6/70–5/74.

R01 MH18468: " A Program of Research on Antisocial Behavior and Violence", Megargee, Edwin I., Ph. D., Florida State University, Tallahassee, Florida 32306, Phone: 904-599-2469.

This is a multi-dimensional research plan on personality factors involved in antisocial and aggressive behavior. Results are to be applied to prediction of vocational and academic achievement and success of treatment. Studied will be background characteristics of prison inmates, the patterns of behavior and attitude change during incarceration, psychol-dynamics of aggression, and the role of anxiety and self-concept in the phenomena of violent behavior.

9/71–8/76.

R01 MH18516: "Treatment of Childhood Behavior Problems," Wahler, Robert G., Ph. D., Psychological Clinic, 719–135th Street, Knoxville, Tennessee 37916, Phone: 615–974–4361.

This is an exploratory study of a new approach to child behavior modification using reinforcement therapy. The purpose is to train parents and teachers to manage the behavior of "oppositional" children, and to test for the generality of treatment effects across natural environmental settings and response classes. Oppositional behavior is defined as failure to comply with explicit and implicit adult requirements. The behaviors of pre-delinquent school-age children are being examined in multiple settings in the home, school classroom, and school playground.

Project Period: 6/70–5/74.

R01 MH18542: "Community-Controlled Sanctions in an Urban Poverty Area," Risley, Todd R., Ph. D., University of Kansas, Lawrence, Kansas 66044, Phone: 913–842–7694.

This is a proposal to study the feasibility of conducting a research project aimed at assisting the residents of a public housing project to establish and implement a formal "rules of conduct" and social sanctions, measuring community participation and social deviance. The goal is to develop procedures for increased community involvement in social control efforts.

6/70–8/74.

R01 MH18813: "Group Integration and Behavioral Change", Feldman, Ronald A. Ph. D., Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130, Phone: 316–863–0100.

Projected efforts are to examine a community-based treatment program wherein antisocial (destructive or delinquent) children will be integrated into small groups of pro-social children, and to ascertain effects of this program upon parents, staff, and peer groups. To be measured are the following variable: role conception, antisocial orientation, self-esteem, social readiness, belongingness and comfort, and conformity behavior.

6/70–8/74.

R01 MH18966: "Behavior Modification Training for Community Agents", Ray, Roberta S., Ph. D., Oregon Research Institute, P. O. Box 3196, Eugene, Oregon 97403, Phone: 503–343–1674.

The objective of this project is to develop a program of training in behavior modification skills designed for the community mental health para-professional who deals with conduct-disorder, "pre-delinquent" children and their families. Trained will be community agents such as child welfare, juvenile court, mental health clinic and school counseling services; training to be in social learning theory, data collection, and behavior modification techniques for intervention in family and school settings.

Project Period: 1/71–3/76.

R01 MH19225: "Perinatal Brain Damage and Later Antisocial Behavior", Mednick, Sarnoff A., Ph. D., New School for Social Research, 65 Fifth Avenue, New York 10003, Phone: 212–675–2700.

This study will determine the interactive relationship between perinatal birth complications, gross social factors and delinquent behavior. A longitudinal study would be conducted of 9,000 children whose birth histories were recorded in Copenhagen, Denmark. It is hypothesized that violent aggressive criminal behavior is closely related to perinatal casualty. The results of the study will have implications for large-scale delinquency-prevention efforts at the time of pregnancy and delivery, and for the prediction of criminal behavior.

1/71–4/74.

R01 MH19706: "Behavior Programs in Learning Activities for Youth," Cohen, Harold L., Institute for Behavioral Research, Inc., 2429 Linden Lane, Silver Spring, Maryland 20910, Phone: 301–585–3915.

The objectives of this program are to provide behavior-managed after-school activities for junior and senior high school youth, and to provide an inschool junior school class, Teenagers' Rights and Responsibilities (TARR), in an effort to reduce antisocial behavior and prevent juvenile delinquency. The application of behavior modification would be implemented by a special behavior management course given to teachers initially entering the program. Evaluation of the program would be based on comparisons of the experimental group with matched control groups on various behavioral indices.

5/71–4/74.

R01 MT 20030: "Achievement Place: Phase II", Wolf, Montrose M., Ph. D., University of Kansas, Bureau of Child Research, Lawrence, Kansas 66044, Phone: 913–864–3446.

The investigator has developed a model program, Achievement Place, which is designed to overcome the behavioral deficiencies of the delinquent child in a home-like residential setting in his community. The objectives of this research are to further develop, refine, and evaluate: (1) procedures that can be used by non-professionals to modify academic and vocational behaviors; (2) procedures to produce basic social skills that are necessary for proper conduct in the community, school, and home; (3) a practical system for collecting analyzing, and summarizing data to evaluate the overall effectiveness of the Achievement Place model; (4) procedures for educating the natural parents to deal with their child in their own home; (5) a teaching-parent education program; and (6) a model for statewide dissemination of the Achievement Place program.

9/71–8/74.

R01 MH20367: "Dangerousness, Due Process & the Criminally Insane", Steadmen, Henry J., Ph. D., Mental Health Research Unit, 44 Holland Avenue, Albany, New York 12208, Phone: 518–474–7309.

This is a study to estimate the level of dangerousness in a large number of different types of criminally insane patients, the role that these estimations play in the due process of commitment to special security institutions, and the relationship of dangerousness to demands for social control. Emphasis is placed on efforts to operationalize the concept of dangerousness, and to develop a causal model for the role of dangerousness in the post-labeling careers of the criminally insane.

6/71–2/74.

R01 MH20696: "Self-Destruction Among Prison Inmates", Toch, Hans, Ph. D., School of Criminal Justice, SUNY, 1400 Washington Avenue, Albany, New York 12203, Phone: 518–457–3227.

This study explores self-destructive acts (suicide, interrupted suicide, self-mutilation, propensity to victimization and social self-injury) in both short- and long-term imprisonment. The aim is to describe occasions for self-destructive acts in a prison population and to categorize motives for these acts.

6/71–6/74.

R01 MH20757: "Research on Violence Prevention by Police", Toch, Hans H., Ph. D., State University of New York, 1400 Washington Avenue, Albany, New York 12203, Phone: 518–457–3227.

This study is an outgrowth of a current experimental training project (MH 12068) designed to reduce violence between police and citizens in Oakland, California. The program has resulted in an organizational entity within the police department, the Violence Prevention Unit, in which research-trained police officers undertake demonstration projects to cope with violence and to evaluate the impact of these efforts. The investigators now seek to systematically assess the effectiveness of specific projects originating in this unit, and to determine the overall impact on police organizational function and personal conduct. The projects to be tested cover: (1) innovative recruit training; (2) impact of peer group diagnosis of violence patterns; (3) a family crisis intervention program; (4) a landlord-tenant intervention program; and, (5) a police-run re-education program for chronic police assaulters.

Project Period: 1/72–12/74.

R01 MH21035: "Clinical Prediction and Treatment of Episodic Violence", Monroe, Russell R., M.D., University of Maryland, School of Medicine, 660 West Redwood Street, Baltimore, Maryand 121201, Phone: 301–527–6735.

This study is designed to identify three subgroups of aggressive, recidivist prisoners by means of neurophysiologic, psychometric, and clinical psychiatric techniques. Those prisoners with aggressive "life styles" are being differentiated from those manifesting epileptoid and hysteroid impulsivity, both forms of pisodic aggression. The objectives are: (1) to refine available techniques at the three clinical levels for predicting impulsive violence; (2) to evaluate new techniques for differentiating epileptoid and hysteroid impulsivity; (3) to test the value of identifying and treating epileptoid impulsive behavior; (4) to provde clinical baselines for future studies critical in establishing the social utility of the clinical procedures.

5/72–2/74.

R01 MH21162: "Inter-Agency Contagion Effects on Police Departments", Crant, Joan, Ph.D., Social Action Research Center, 2728 Durant Avenue, Berkeley, California 94704, Phone: 415–548–5123.

This study would examine the efficacy of using trained line officers in disseminating and encouraging the adoption of a self-study model for "conflict management" in metropolitan police departments. The first phase of the study would collect and analyze data on the relationship between various "climate for change" characteristics of the community and the police on the one hand and selected indicators of police behaviors on the other, and would be preparatory to the subsequent phase. The study has a strong potential of yielding useful and pertinent information regarding processes of social change, as well as the dissemination and effective utilization of research.

Project Period: 1/72–12/74.

R01 MH21204: "A Comparative Historical Study of Urban Public Order", Gurr, Ted R., Ph. D., Department of Political Science, Harris Hall, Northwestern University, Evanston, Illinois 60201, Phone: 312–492–7237.

This is an intensive, comparative study of historical fluctuations in crime and public order within at least four societies representing diverse cultures and covering periods of a century and a half. The investigators are dealing with a large city in each society to facilitate comparisons and to increase the applicability of results to recent experience in the urban United States. From available data and bibliographic sources, they are identifying periods of major increases and decreases in levels and types of criminology, and identifying the socio-economic and poltical correlations.

3/72–12/74.

R01 MH21303: "Assessment of Adequacy of Treatment", Schwitzgebel, Ralph K., Ed.D., J.D., Laboratory of Community Psychiatry, 58 Fenwood Road, Boston, Massachusetts 02115, Phone: 617–731–0384.

The primary purpose of this research is to develop empirically-based criteria by which the adequacy of treatment provided for offenders involuntarily committed to mental institutions can be accurately and reliably determined by mental health and legal personnel. The study involves an extensive survey of the relevant case law, legal and mental health literature, and empirical analysis of criteria currently utilized in hospitals to determine treatment adequacy, as well as an evaluation of the major policy issues involved in the recognition of a "right to treatment."

4/72–3/75.

R01 MH21304: "Philadelphia Assault Victim Study", Peters, Joseph J., M.D., Philadelphia General Hospital, 34th and Civic Center Boulevard, Philadelphia, Pennsylvania 19104, Phone: 215–472–5180.

The purpose of this research is to study the social-psychological effects of rape upon victims, and to determine the impact of criminal justice processing upon the victim's mental heatth functioning and post-rape adjustment. An interdisciplinary research team will follow up all female assault victims brought to the Philadelphia General Hospital emergency service by police for sexual as well as non-sexual assaults, and attempt to correlate differential victim reactions to rape circumstances, the victim's pre-rape personality and social adaptation, and supportive mechanisms available to victims during the post-rape period. The project is viewed as a potential landmark study of violence towards women (sexual and non-sexual).

Project Period: 9/71–8/74.

R01 MH21452: "Contingency Contracting in Treatment of Delinquents", Stuart, Richard B., D.S.W., Behavior Change Systems, 3156 Dolph Drive, Ann Arbor, Michigan 48103, Phone: 313–764–5342.

The general objective of this research is to develop a set of effective intervention procedures, based on behavioral modification principles, to improve the social functioning of predelinquent and delinquent adolescents in home and school settings. The intervention techniques are to be defined and validated and then taught to court, school and social agency personnel serving comparable populations. An evaluation plan is included. The investigator seeks to develop a set of materials for use in in-service training with professionals and paraprofessionals.

6/72–5/74.

R03 MH21701: "Impact of Social Change on Criminal-Victim Relationship", Schafer, Stephen, D. J., Northeastern University, 360 Huntington Avenue, Boston, Massachusetts 02115, Phone: 617–437–3327.

The objective of this research is to explore the impact of social change on the characteristics of criminal-victim relationship involved in homicides. The investigator is examining whether the modern findings on the patterns of criminal-victim relationships hold under any of the variety of conditions, or whether the changing social conditions and changing social climate influence these patterns. Individual case histories of the Massachusetts Department of Corrections for four specific years are being used to trace the various aspects of the criminal-victim relationships in the homicide cases. Comparisons are being made between the case histories and then with the major modern findings.

6/72–5/75.

R01 MH21853: "Rehabilitation Program for Delinquent Indian Youth", Harris, Virgil W., Ph.D., Southwest Indian Youth Center, Box 2266, Tucson, Arizona 85702, Phone: 602–296–7103.

The study will evaluate specific behavior modification procedures and overall effects of a rehabilitation program for delinquent American Indian youth. The program emphasizes the phasing out of artificial contingencies within an institutional setting and transition to the more natural conditions of living within the community.

Project Period: 6/72–5/75.

R01 MH21950: "PICA Research, Extension, and Practice (PREP)", Filipczak, James A., M.S., Institute for Behavior Research, Inc., 2429 Linden Lane, Silver Spring, Maryland 20910, Phone: 301–587–4044.

This study is an outgrowth of a promising NIMH-funded research grant currently in its final year. The project has utilized principles of behavioral psychology in developing remedial procedures for adolescents having academic, interpersonal and social deficiencies and related problems. The project will further deevlop and evaluate a model program for possible use in public schools to deter and remediate disruptive and delinquent adolescent behavior.

3/73–2/76.

R01 MH22350: "Measures of Delinquency and Community Tolerance", Erickson, Maynard L., Ph. D., Department of Sociology, Universit yof Arizona, Tucson, Arizona 85721, Phone: 602–884–2492.

This study plans to examine the relationships over time between official and unofficial measures of juvenile delinquency. Legal reaction rates (the ratio of official to unofficial measures) will be related to measures of community tolerance and tolerance of "legal reactions" (police, probation officers, etc.). Tolerance toward deviance (types of delinquency and other forms of deviance) is measured by determining both the relative "evaluations" of the propriety of acts and the relative "intensity" of attachment to evaluative stances taken by re- spondents, either legal reactors, deviants, or the general public). The relative "seriousness" of a variety of offenses will also be assessed. The analyses of inter-relationships between tolerance and various measures of delinquency (official and unofficial) will be made over a three-year period in selected Arizona communities.

4/72–3/74.

R01 MH23144: "Comparative Quantitative Analysis of Police Encounters", Sykes, Richard E., Ph. D., Minnesota Systems Research, Inc., 2412 University Avenue, S.E., Minneapolis, Minnesota 55414, Phone: 612–331–8750.

This is a study of police encounters with the public during normal working conditions, examined for social interaction to learn about role expectations (how police define and act roles). The response of others to police officers and the behavior and dynamic process of interaction will be studied by having a participant-observer tabulate in a rapid coding, a check list of types of responses, as police interact with drunks, delinquents, criminals, and accident victims, as well as domestic disputes.

Project Period: 6/73–5/76.

R01 MH23516: "Information Integration in Juror Judgments", Kaplan, Martin F., Ph. D., Department of Psychology, Northern Illinois University, DeKalb, Illinois 60115, Phone: 815–753–0372.

The goal of this study is to understand both the processes by which people integrate information in jury cases and the manner in which biases are brought into play. It is suggested that juror judgment are based on evidential and non-evidential (personal characteristics) factors. Understanding the judgment becomes a problem of integrating factual information in light of various juror dispositions. It is further suggested that information available to a juror whether evidential on non-evidential, possesses both scale value and weight on a dimension of guilt. It is proposed to experiment with various propositions by co-varying evidential and non-evidential stimuli in a factoral design.

4/73–5/75.

R01 MH23742: "Release of Dangerous Mental Patients: The Dixon Case", Thornberry, Terence P., Ph. D., University of Pennsylvania, Room 203, 3718 Locust Street, Philadelphia, Pennsylvania 19104, Phone: 215-594-7411.

This will be a follow-up study of the post-release behaviors of a group of about 400 prisoners who were previously judged mentally ill and dangerous. The release of these patients (known as the Dixon Class) from Farview State Hospital was prompted by legal action begun in 1969. Aims of the study include locating and interviewing the released patients, surveying reports of relevant State agencies, and reviewing the Farview records of patient characteristics and behaviors while incarcerated at Farview. For purposes of controlled comparison, a group of about 160 patients released from Farview at expiration of sentence subsequent to the Dixon case, will be similarly studied.

10/72–3/75.

R01 MH23975: "The XYY Syndrome", Witkin, Herman A., Ph. D., Educational Testing Service, Division of Psychological Studies, Princeton, New Jersey 08540, Phone: 609-921-9000.

This study seeks to determine whether a relationship exists between the presence of an extra Y chromosome in males and tendencies toward aggressive behavior. The proposed research provides for comprehensive and in-depth psychological studies of XYY cases, blood sampling, and steroid and growth hormone determinations. Matched groups will be drawn from a population of criminals, policemen, and the general population.

Project Period: 2/73–8/74.

R03 MH24002: "An Exploratory Study of Intra-Family Violence", Straus, Murray A., Ph. D., Department of Sociology, University of New Hamshire, Durham, New Hampshire 03824, Phone: 603-862-1800.

This project will study the causes, incidence, and types of physical violence used by spouses on each other and by parents on children. The goals are to develop causal models of family violence, to develop testable hypotheses, and to make inferences concerning the incidence and types of violence occurring within families. In addition to doing theoretical work, the investigators will collect and analyze data from 100 families with varying degrees of violent histories. Data analysis will focus on locating sociological and contextual variable associated with violence.

6/73–8/74.

R03 MH24574: "Deterrent Effectiveness of Legal Sanctions", Logan, Charles H., Ph. D., Department of Sociology, U-68, University of Connecticut, Stoors, Connecticut 06268, Phone: 203-486-4426.

The purpose of this research is to analyze previously collected official statistics in a way that will increase knowledge on the effectiveness of legal sanctions in a way that will increase knowledge on the effectiveness of legal sanctions in deterring potential offenders from criminal acts. Specifically, the investigator expects to pursue answers to four empirical questions not previously answered by research on deterrence: (1) What is the relationship between crime rate and certainty of arrest; (2) Does imprisonment *per se* have deterrent effects beyond those of arrest; (3) What is the preponderant direction of the relationship betwen certainty of arrest and crime, i.e., does crime rate affect certainty of arrest to a greater or lesser degree than certainty of arrest affects crime rate; and (4) Can the commonly assumed link between actual legal sanctions and public perceptions of those sanctions be supported by empirical evidence?

Project Period: 11/73–10/75.

R01 M[illegible]872: "47,XYY and 47,X—Y Males' Neurophysiological Behavior", Mednick, S[illegible]noff A., Ph. D., New School for Social Research, 65 Fifth Avenue, New York, New York 10011, Phone: 212-675-2700.

This is a study to compare psychophysiological and electroencephalographic findings in subjects with chromosomal disorders (XYY and XXY) with those for match normal controls. It would be one of the first studies to make such comparisons in an unbiased (non-institutional) sampling frame and would be part of a larger study of chromosomal abnormality among Danish men presently being funded by NIMH (MH23976).

10/73–3/75.

R12 MH25020: "Juvenile Justice and Mental Health Impact—Pilot Study", Lambo, Thoma A., M.D., World Health Organization, 1211 Geneva, Switzerland, Phone: WHO–346061.

This pilot project would be the exploratory phase of a cross-national study of juvenile justice systems in several countries. The staff for the proposed study would be provided by the World Health Organization (WHO) and the United Nations Social Defense Research Institute (UNSDRI). This resource would involve literature searches, selection of field research locations, and development and testing of research instruments. The objective is to establish the basis for a future long-term research effort that would involve a comparative, interdisciplinary effort to assess the functioning of juvenile justice systems in various countries, the responsiveness of these systems to the needs of youth and of society in general, and the roles of mental health experts in these systems.

Project Period: 1/74–12/74.

R01 MH25333: "Evaluation of Youth Diversion in a Small City", Polk, Kenneth, Ph. D., University of Oregon, 1859 East 15th Avenue, Eugene, Oregon 97403. Phone: 503–686–5041.

This is a proposal to develop an extensive evaluation-research design to study a model program for the diversion of young people from the juvenile justice system. The investigator would review the program activities and procedures of the Boise, Idaho, Youth Service Bureau and would develop an evaluation-research design to study its effectiveness. Existing information of the Youth Service Bureau will be pulled together, explicit commitments to participate in the evalution will be obtained from program directors, and the evaluation strategy and procedures will be specified during this one-year pilot project.

Question 4: What are the actual expenditures under the Juvenile Delinquency Prevention Act for FY–1974 to date?

Answer: Actual expenditures to date are $3,662,706.

Question No. 5. What is the expenditure level of the Juvenile Delinquency Prevention Act for fiscal year 74, including that for youth service systems, construction, training, technical assistance, information services, and evaluation?

Answer.

Total available fiscal year 74	$10, 000, 000
Youth service systems	9, 400, 000
Construction	0
Training	100, 000
Technical assistance	300, 000
Information services	100, 000
Evaluation	100, 000

6. What are the youth service systems which are operative in FY 74; their locations, description, date and period of original and renewed funding and the new systems started in FY 74.

Youth service systems, developed by the Office of Youth Development, stimulate the development of coordinated networks of youth services on the part of public and private agencies, and institutionalize these services in communities. By linking together, through formal agreements, public agencies having statuory responsibility for youth (schools, police, court, and welfare), other relevant public and private agencies, and representatives of the private sector, youth service systems stimulate the development of community services for youth. Services range from health and mental health, educational, financial assistance, job training and employment, counseling both for the youth and their parents, legal services, and temporary shelter care. The formal agreements promote services responsive to youth needs and minimize service duplication. These agreements also effect changes in statutes and regulations, and in the practices, policies, and procedures of the youth-serving agencies and organizations to remove barriers to favorable youth development. The systems approach provides support for direct services, identified by a community needs assessment, for which no other funding is available except through the Office of Youth Development.

All of the systems listed on the accompanying table do not have the complete range of services as others. Services are determined by the assessment of need within the community. In general, the description fits all the systems listed.

(The table referred to follows:)

OFFICE OF YOUTH DEVELOPMENT—YOUTH SERVICE SYSTEMS

Grantee	Dates	Amount awarded 1971	1972	1973	1974
Fully operational—36:					
Alaska Children's Services, Anchorage, Alaska	June 30, 1972 to Aug. 31, 1974.	-------	$225,000	-------	$191,250
City of Tucson, Ariz	June 30, 1971 to Sept. 30, 1974.	$200,000	----------	$200,000	170,000
Youth Advocates, San Francisco, Calif	June 30, 1971 to June 29, 1974.	20,468	22,500	20,000	----------
County of Orange, Santa Ana, Calif	June 30, 1971 to Nov. 30, 1974.	249,967	42,444	207,556	207,240
Teen Post, Los Angeles, Calif	June 30, 1971 to Mar. 1, 1975.	200,000	----------	----------	150,000
County of Ventura, Ventura, Calif	June 1, 1973 to May 31, 1974	----------	----------	97,000	----------
Department of Youth Authority, Sacramento, Calif.	July 1, 1972 to Aug. 31, 1974.	----------	225,000	----------	211,250
Department of Institutions, Denver, Colo	June 1, 1971 to June 30, 1975.	200,000	100,000	225,000	191,750
Family Services of New London, Conn	June 15, 1973 to June 30, 1975.	----------	----------	100,000	100,000
City Demonstration Agency, Boise, Idaho	June 30, 1971, to Nov. 30, 1974.	190,000	----------	200,000	150,000
MacNeal Memorial Hospital, Berwyn, Ill	June 29, 1971 to June 30, 1973.	246,006	----------	118,[illegible]98	----------
Urban Coalition, South Bend, Ind	June 30, 1971 to June 30, 1973.	250,000	84,829	165,157	----------
Department of Social Welfare, Topeka, Kans	June 30, 1972 to Oct. 31, 1974	----------	212,278	100,000	180,436
Board of Education, Louisville, Ky	June 15, 1972 to June 30, 1974.	----------	320,000	----------	272,000
City Demonstration Agency, Lansing, Mich	June 30, 1971 to Nov. 30, 1974.	200,000	----------	186,083	150,000
Washtenaw Intermediate School District Ann Arbor, Mich.	June 30, 1973 to June 29, 1974.	----------	----------	100,000	----------
Department of Education, St. Paul, Minn	June 30, 1971 to Mar. 31, 1975.	250,000	52,000	178,[illegible]	8[illegible],500
Municipal Separate School District Gulfport, Mass.	June 15, 1973 to June 14, 1974.	----------	----------	100,000	100,000
Greater Kansas City Mental Health Found., Mo	June 30, 1971 to Mar. 31, 1974.	199,965	----------	200,000	----------
United Community Service, Kansas City, Mo	June 30, 1972 to June 29, 1974.	----------	200,000	100,000	191,250
Social and Rehab. Service, Helena, Mont	June 30, 1971 to June 30, 1975.	300,000	100,000	300,000	225,000
Focus, Las Vegas, Nev	June 1, 1972 to June 29, 1974.	----------	99,724	93,000	50,000
Seacoast Regional Center, Portsmouth, N.H	June 30, 1972 to June 30, 1975.	----------	50,000	68,000	96,000
Office of Youth Services, Manchester, N.H	June 30, 1972 to June 30, 1975.	----------	89,520	148,275	150,000
City Demonstration Agency, Trenton, N.J	June 25, 1971 to July 13, 1974.	242,683	----------	----------	182,012
Wiltwyck School, New York, N.Y	June 25, 1971 to Aug. 1, 1974.	292,000	----------	291,947	219,000
City of Syracuse, N.Y	June 30, 1972 to Aug. 30, 1974	----------	200,000	----------	170,000
Social and Rehabilitation Services, Oklahoma City, Okla.	Apr. 1, 1972 to June 30, 1975.	----------	250,000	100,000	212,500
Bureau of Human Resources, Portland, Oreg	June 30, 1973 to June 30, 1975.	----------	----------	225,000	191,250
Model Cities Program, Philadelphia, Pa	June 30, 1971 to Dec. 31, 1974.	200,000	88,542	199,425	150,000
Governor's Committee on Crime and Delinquency Providence, R.I.	June 30, 1971 to June 30, 1975.	100,000	129,229	141,002	145,000
Department of Mental Health, Nashville, Tenn	June 30, 1971 to June 30, 1973.	199,958	117,487	182,471	----------
City of San Antonio, Tex	June 1, 1971 to Feb. 28, 1975.	200,000	----------	200,000	150,000
Department of Social Services, Salt Lake City, Utah.	June 30, 1972 to June 29, 1975.	----------	325,000	100,000	276,250
City Hall, Lynchburg, Va	June 1, 1973 to June 1, 1975.	----------	----------	49,171	50,000
City of Norfolk, Va	June 30, 1972 to June 30, 1975.	----------	40,766	50,829	50,000

OFFICE OF YOUTH DEVELOPMENT—YOUTH SERVICE SYSTEMS—Continued

Grantee	Dates	Amount awarded			
		1971	1972	1973	1974
Beginning to serve youth—48:					
Dallas County Commission, Selma, Ala	June 30, 1971 to June 29, 1975.	$30,000	$100,000	$50,000	$50,000
Lee County Youth Development Center, Opelika, Ala.	June 30, 1973 to June 29, 1975.			50,000	50,000
Community Council, Ketchikan, Alaska	June 30, 1972 to June 29, 1974		44,600	50,000	
Maricopa County Government, Phoenix, Ariz	June 30, 1971 to June 29, 1974.	57,770	53,638	60,000	
San Carlos Apache Tribe, San Carlos, Ariz	June 30, 1973 to June 29, 1973.			40,000	
National Conference on Christians and Jews, Little Rocks	June 15, 1973 to June 14, 1975.			77,925	85,000
Office of the Mayor, Wilmington, Del	June 1, 1973 to May 31, 1975.			100,000	100,000
Leon County School Board, Tallahassee, Fla	June 30, 1973 to June 29, 1975.			100,000	100,000
Atlanta Public Schools, Atlanta, Ga	June 1, 1973 to May 31, 1975.			224,950	191,250
Sanctuary, Agana, Guam	June 30, 1973 to June 29, 1975.			10,000	25,000
City of Honolulu, Hawaii	June 30, 1973 to June 29, 1975.			75,500	75,500
County of Honolulu, Hilo, Hawaii	June 30, 1973 to June 29, 1975.			75,500	75,500
Nez Perce Tribe, Lapwai, Idaho	May 1, 1971 to June 29, 1974.	40,386	33,000	33,333	
Kootenai County Council, Coeur d'Alene, Idaho	June 30, 1973 to June 29, 1974.			33,300	
Department of Environmental and Community Services, Boise, Idaho.	June 30, 1972 to June 29, 1974.		45,000	33,333	
Proviso Township YMCA, Maywood, Ill	June 30, 1973 to June 29, 1975.			100,000	185,754
State Youth Coordinator, Des Moines, Iowa	June 30, 1972 to June 29, 1975.		100,000	100,000	100,000
Somerset Community College, Somerset, Ky	June 1, 1973 to June 31, 1974.			100,000	
City of New Orleans, La	June 30, 1973 to June 29, 1975.			69,935	75,000
Mayor and City Council, Baltimore, Md	June 1, 1973 to June 31, 1975.			225,000	191,250
New England Medical Center, Boston, Mass	June 30, 1973 to June 29, 1975.			89,937	100,000
Wayne County, Detroit, Mich	June 30, 1972 to May 31, 1975.		325,000		125,000
Indian Action Council, Duluth, Minn	June 30, 1973 to June 29, 1975.			100,000	100,000
Tri-County Community Center, Jackson, Miss	June 30, 1971 to July 31, 1974.	52,123	65,000		98,775
Mayor's Council on Youth, St. Louis, Mo	June 30, 1972 to June 30, 1974.		200,000	125,000	150,000
Douglas County Board, Omaha, Nebr	May 1, 1973 to Apr. 30, 1975.			80,000	65,000
Lancaster County Board, Lincoln, Nebr	June 30, 1973 to Dec. 31, 1974.			19,900	35,000
Department of Health, Welfare, and Rehabilitation, Carson City	June 29, 1973 to June 28, 1975.			100,000	100,000
Bernalillo County Com., Albuquerque, N. Mex	June 30, 1972 to June 29, 1975.		52,675	50,000	65,000
Sisters of Good Shepherd, New York, N.Y	June 30, 1973 to June 29, 1974.			150,000	
Forsyth County Board of Education, Winston-Salem, N.C.	June 30, 1973 to June 29, 1975.			100,000	100,000
Social Service Board, Bismarck, N. Dak	June 1, 1972 to May 31, 1975.		100,000	100,000	100,000
Impact Cities Program, Cleveland, Ohio	June 30, 1973 to June 29, 1975.			225,000	191,250
Department of Public Welfare, Harrisburg, Pa	June 1, 1973 to May 31, 1974.			100,000	
Planning Board, Santurce, Puerto Rico	June 30, 1973 to June 30, 1974.			175,000	150,000
Governor's Office, Pago Pago, Samoa	June 30, 1972 to May 31, 1975.		10,000	25,000	25,000
Department of Youth Services, Columbia, S.C	June 30, 1972 to June 29, 1975.		100,000	100,000	100,000
Department of Public Instruction, Pierre, S. Dak	June 30, 1972 to June 29, 1975.		100,000	100,000	100,000
Mississippi, Arkansas, Tennessee Council, Memphis, Tenn.	June 30, 1973 to June 29, 1975.			100,000	151,193

OFFICE OF YOUTH DEVELOPMENT—YOUTH SERVICE SYSTEMS—Continued

Grantee	Dates	Amount awarded			
		1971	1972	1973	1974
Beginning to serve youth—48—Continued					
Image, San Antonio, Tex	May 1, 1973 to Apr. 30, 1975.			$70,193	$75,000
Youth Service Bureau, San Angelo, Tex	June 30, 1973 to June 29, 1974.			20,193	
Addison County, Middlebury, Vt	June 30, 1973 to June 29, 1975.			25,000	25,000
University of Vermont, Burlington, Vt	June 1, 1973 to May 31, 1975.			74,994	75,000
Office of the Governor, St. Thomas, Virgin Islands	June 30, 1973 to June 29, 1975.			25,000	25,000
City of Seattle, Wash	June 1, 1973 to May 31, 1975.			50,000	50,000
King County, Seattle, Wash	June 1, 1973 to May 31, 1975.			50,000	50,000
Kanawha County, Charleston, W. Va	June 1, 1972 to May 31, 1975.		$67,997	100,000	100,000
Community Relations, Milwaukee, Wis	June 30, 1973 to June 29, 1975.			100,000	250,000
Initial stage—16:					
Hillcrest, Fairbanks, Alaska	June 15, 1973 to June 14, 1974.			50,000	
Office of Youth Opportunity, Washington, D.C	Mar. 1, 1972 to Feb. 15, 1973.		224,986		
Mission of Community Concern, Washington, D.C	June 30, 1972 to June 29, 1975.		65,000	100,000	191,250
Mayor's Commission on Youth, Indianapolis, Ind.	June 30, 1973 to June 29, 1974.			100,000	
Mishawaka Metropolitan YMCA, South Bend, Ind.	July 1, 1973 to June 30, 1974.				187,500
City of Bridgeport, Conn	June 30, 1974 to June 29, 1975.				50,000
Aroostock County, Presque Isle, Maine	June 30, 1974 to June 29, 1975.				75,000
Division of Community Development, Saipan, Mariana Island	June 1, 1971 to May 31, 1974.	$11,300		25,000	25,000
Community Development Administration, Newark, N.J.	June 30, 1971 to June 29, 1972.	215,950			
City of Paterson, N.J	June 30, 1972 to June 29, 1973.		200,000		
Union County, Elizabeth, N.J	June 30, 1973 to June 29, 1974.			100,000	5,750
United Neighborhood Houses, New York, N.Y	June 30, 1974 to June 29, 1975.				305,500
Model Cities Agency, Pittsburgh, Pa	June 30, 1971 to June 29, 1972.	191,040			
Ogala-Sioux Nation, Pine Ridge, S. Dak	June 30, 1974 to June 29, 1975.				50,000
Creek Reservation, Rosebud, S. Dak	June 30, 1974 to June 29, 1975.				50,000
YMCA of Dallas, Tex	June 30, 1973 to June 29, 1975.			236,882	191,250

Question 7. What is the role of the Department of HEW in the Interdepartmental Council to coordinate all Federal juvenile delinquency programs?

Answer. The Office of Youth Development in DHEW is the chief Federal agency concerned with juvenile delinquency programs, outside of the juvenile justice system, while LEAA is the chief Federal agency concerned with programs within the juvenile justice system.

The activities of the Council on OYD are reflected in the development of an Action-Impact program of LEAA to test the effectiveness of existing coordinating mechanisms. The impetus for this coordinating effort came from two programs—the Youth Services Systems of OYD and the High Impact crime reduction of LEAA. The High Impact program is an attempt by the Federal Government to assist 8 major cities to reduce street crime. The Council approved a leadership role in this program for DHEW in giving it responsibility for coordinating all juvenile delinquency and youth development programs in the 8 Impact Cities through the Youth Services Systems over a three-year period.

Question 8. What is the Department of HEW's participation in the juvenile delinquency component of LEAA's impact cities program?

Answer. Youth Service Systems are being established in the following impact cities with funding as indicated:

City	Actual 1973	Actual 1974	Estimate 1975
Newark, N.J.[1]			
Baltimore, Md	$225,000	$191,250	$168,750
Atlanta, Ga	224,950	191,250	168,750
Cleveland, Ohio	225,000	191,250	168,750
Dallas, Tex	236,882	191,250	168,750
St. Louis, Mo	125,000	150,000	150,000
Denver, Colo	225,000	191,250	168,750
Portland, Oreg	225,000	191,250	168,750

[1] Newark was funded at $215,950 in 1971. Existing funds are still available as the youth service system is still not operational and future needs have not been projected.

Question 9: What is the DHEW role in criminal justice planning at the State and local level?

Answer: The DHEW has no specific criminal justice planning role at the State or local level. However the OYD coordinates planning on the development of youth services with the State criminal justice planning agencies to insure the complementary nature of programs funded by OYD with programs funded by the criminal planning agency which receives block grants from LEAA. Under 45 CRF, Section 1350.18 of the regulations governing the Juvenile Delinquency Prevention Act, youth services systems proposals are submitted by the regional clearinghouse for review and comment to—(1) the Governor or his designee, and (2) the State Law Enforcement Planning Agency. This insures appropriate coordination and linkage with other planned or operationalized programs for delinquency prevention. State and local criminal justice planners participate with other State and local aggencies in planning youth services systems.

Question 10: Please comment on the relative merits of the various provisions of HR 13737 and HR 6265 as they they related to the Department of Health, Education, and Welfare?

Answer: HR 6265 and HR 13737 (including the existing authority under the Juvenile Delinquency Prevention Act) are essentially the same as far as findings and purposes are concerned.

Title II of HR 6265 authorizes two grant programs. One a formula grant with the single state agency and state plan requirements, the other a direct grant both of which would relate to practically all program aspects of the prevention and treatment of juvenile delinquency including training. The present Title I of the Juvenile Delinquency Prevention Act authorizes grants for the development of community-based youth service systems for the prevention of delinquency. A second part, Part A, is being added to authorize research and demonstration grants to individuals or public on non-profit agencies or to enter into contracts with other private agencies for research in the field of youth development and the causes of delinquency behavior with particular emphasis on runaways. In other words the grant programs authorized in HR 6265 would be similar to those authorized in HR 13737 as well as those already existing under the Juvenile Delinquency Prevention Act and the Law Enforcement Assistance Administration.

HR 6265 authorizes a total appropriation of $1 billion for those two grant programs for the fiscal year 1973 through the fiscal year ending June 30, 1976. If the present 1973 level of actual expenditures by LEAA and the HEW in the juvenile delinquency field is maintained for the same 4 year period, the amount would be more than three-quarters of a billion dollars. We, therefore, believe that existing appropriation are more than adequate to cover HEW and LEAA grants in the juvenile delinquency field.

Title IV of HR 6265 establishes a National Office of Juvenile Delinquency Prevention in the Executive Office of the President. No comparable provision exists in HR 13737. However, there presently exists in the Office of the Secretary an Office of Youth Development headed by a Commissioner. This Office services as a focus for all HEW programs related to juvenile delinquency. Inter-departmental coordination of programs is presently performed by the Inter-Departmental Council on Juvenile Delinquency established under the Juvenile Delinquency Prevention Act of 1972.

Title IV of HR 6265 also establishes a National Advisory Council for Juvenile Delinquency Prevention composed of 21 members including representatives of involved departments as well as outside representation. History and experience has shown that advisory committees serve a very limited purpose, having no positive impact, are a waste of tax payers dollars and create expectations which are never filled.

The proposed National Office of Juvenile Delinquency Prevention is also directed to provide technical assistance to state and local governments and to submit an annual report of the President and to Congress concerning Federal juvenile delinquency programs. Authorization for technical assistance already exists in DOJ and DHEW. Also, Section 670 of the Omnious Crime Control and Safe Streets Act, as amended, directs that a similar report be submitted biannually to the President and to the Congress by DOJ.

To summarize, we believe that H.R. 13737, coupled with existing authorizations, is sufficient to accomplish the objectives of H.R. 6265 and that the passage of H.R. 6265 would merely mean superimposing another bureaucratic structure and the creation of duplicating grant programs. The only result of which would be increased operational cost without substantive gain.

Mr. Hawkins. The next witness is Prof. Lucien Zamorski of Augustana College in Rock Island, Ill.

We are delighted to have you before the subcommittee. Your statement will be incorporated in the record in its entirety at this point and we would appreciate it if you would proceed to summarize your presentation.

STATEMENT OF LUCIEN ZAMORSKI, ASSISTANT PROFESSOR, AUGUSTANA COLLEGE, ROCK ISLAND, ILL., REPRESENTING THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

Mr. Zamorski. I inadvertently neglected to submit with my testimony the articles to which I refer in my prepared statement.

Mr. Hawkins. Without objection, so ordered.

[The prepared statement and supplementary articles referred to follow:]

Statement of Lucien Zamorski, Assistant Professor, Angustana College Representing the National Association of Social Workers

On behalf of the National Association of Social Worker and my own behalf as wel, I want to express deep appreciation for the opportunity to appear before you and share with you some thoughts about the juvenile justice system—if one can call it that—and the possible impact on that system and child care services generally of H.R. 6265, the Juvenile Justice and Delinquency Prevention Act. I may add that, while I speak as an Association representative, I cannot say there will not be significant disagreement within the Association's membership with some of the views I express.

We would all agree, I think, that our present juvenile justice system and services for children are deplorable. Some of us would differ on the degree to which the system is salvageable and the kind of corrective steps that might be taken. We share such diversity of view with you and with the American people generally. But we see diversity of view as something out of which may come creative approaches to the very difficult and complex issues to which we here address ourselves.

In *Blackberry Winter*, her autobiography, Margaret Meade reminisces about her field experience among the Mungdugumor, a primitive New Guinea people who put high value on quailities of fierceness, possessiveness, aggression and exploitation among members of the society.

Among the Mundugumor, children were treated roughly and brutally, Children grew up, if they survived the neglect to which they were subjected, knowing little warmth, emotional support, gentleness, love. Not unexpectedly, they became ruthless, exploitative, brutal adults. Dropping her anthropological detachment, Dr. Meade, a warm and loving human being herself, commented: "I felt strongly that a culture that rejected children was a bad culture . . ."

Item

She is sixteen and schizophrenic. She has just been discharged from a state hospital after a stay of many months. She has, the hospital says, received "maximum benefit" from her stay there. Prior to her hospital stay she had been in and out of one foster home, shelter or other facility after another. The hospital discharged her because she was a management problem. She was insubordinate to staff, put her hands through windows, refused to follow hospital routines and made long distance phone calls to judges and other authorities without permission, complaining about her treatment.

The department of social services, holding guardianship, tried to get the hospital to readmit her but the hospital refused. The department of social services then approached the juvenile court for a petition alleging delinquency for being uncontrolled and habitually deporting herself in a manner injurious to herself or others. The department planned to place her in the girls' training school and then transfer her to the adult women's reformatory where she would get "the care and control she was entitled to."

Item

He is fourteen, small for his age but a handsome child. He sits in the "juvenile tank" of a county jail waiting to be picked up by out-of-state authorities as a runaway. Several older boys—one charged with robbery and one with assault with intent to commit murder—are in the cell with him. The older boys attempt to assault him sexually. A guard, hearing the commotion, calls him a crybaby and puts him in the hole "for his own protection."

Item

A twelve-year-old boy runs away from his foster home because the foster mother beats him with an ironing cord. The police return him to the foster home. He runs away again. This time he is held in a jail cell until his probation officer comes for him, handcuffs him and transports him to the detention center. He is subsequently placed in a group home where older buys use him to enter buildings for burglary because he is small enough to fit through the ventilation shafts. Suspecting that he has hidden some of the loot from the burglaries for himself, the other boys burn his feet by putting matches between his toes and lighting them, and carving designs on his chest, abdomen and arms with knives. He goes back to detention "for his own protection." He wants to go to another foster home but his worker is trying to find another group home for him. He has been told that if he doesn't accept the group home or runs away he will be committed to the training school.

Item

A seventeen year-old boy is having frequent arguments with his foster mother over how much he should help around the house. His caseworker suggests that he voluntarily spend a few days in detention "to think things over." It is weeks before he sees his caseworker again. He says he does not mind the detention center program but feels "like an animal" when he is locked up at night.

Item

She is a fifteen-year-old runaway. She tells police she ran away because her father was raping her. She has been debauched in every conceivable way by both her parents since she was eight. On occasion, at her father's insistence, she had procured some of her junior high girl friends for him. She and another girl took lie detector tests confirming the stories in all substantial details.

She is angry and belligerent with adults. She is placed in the county jail because of a fear that she will run away again before the court hearing. She screams and screams, "Why do I have to go to jail? Why do I have to go to jail?" A private social service agency recommends that she be committed to the state training school because she is "out of control" and "needs a more structured environment."

Neither parent is prosecuted and the parents are permitted to retain custody of the other children, including a younger sister of the assaulted girl.

Item

A fifteen-year-old boy accepts "informal supervision" because the probation officer has told him and his parents that if he does not a petition alleging delinquency will be filed and he might be committed to the training school. He is not told that such informal supervision is illegal unless a petition has been filed.

One of the rules of his probation is that he must attend school. He truants from school and the judge sentences him to two days in the county jail because he doesn't like the boy's attitude. The boy does not know that this is an illegal use of detention, nor does he know that two days is a magic number. The law requires that not even the judge may order detention for longer than forty-eight hours without the filing of a petition.

Item

A thirteen year old girl is placed in over-night shelter for running away from home. At the detention hearing the following day she indicates her parents are too controlling and too restrictive in their rules. She is returned home with the recommendation that the parents refer themselves to a family counseling agency.

Several weeks later she is back in court again as a runaway. The parents have not followed through on the recommendation for counseling. The same recommendation is again made. The girl follows through. The parents do not. The pattern is to be repeated many times in the next two years. The girl accepts a number of placements in foster homes and in "a short term residential treatment facility." She follows the agreement she has made with her probation officer. She goes to school, she follows the rules laid out for her, she accepts counseling. Her parents insist the only condition under which they will let her stay is that she do exactly what they want her to do. The parents inform the court that it is the duty of the court to see that the girl obeys her parents.

A major crisis point occurs when she is fifteen. She is running with a group of boys and young men with serious delinquency and criminal records. She plans to marry a penitentiary inmate as soon as he gets out. She is being exploited. On one occasion members of a motorcycle gang abduct her, take her to an isolated area and gang rape her. She knows her abductors but is afraid she will be beaten or killed if she complains. Though she is on the run, she phones her probation officer from time to time.

The probation officer asks her to come in for a hearing. At the hearing, as her parents tell the court she will either have to return home and obey the rules or they want her locked up, the girl explodes with anger. She is sick of the court and its "messing over me." She will not cooperate in any further placement. She will run away from wherever she is put.

She points out that she has had to do all the conforming and all the adjusting and her parents have had to do nothing. She mocks her worker's advice some time before, that if she wanted to stay in the home of her parents she was going to have to demonstrate more responsibility and maturity than her parents. The court has two options left: jail the girl and then commit her to the training school, or release her from jurisdiction to do what she wants. The court releases her from jurisdiction.

The cases I have cited are personally known to me either through my work as a former director of juvenile court services, or in the course of other professional duties. I do not believe they are exceptional instances but the daily bread and butter of the juvenile justice system. Neglect, brutalization and criminal abuse of children have become bureaucratically legitimated, at least internally. The violation of law and legal procedure are, I feel, also routine at every level of the system from enforcement to disposition in many jurisdictions. A committee of the Chicago Bar Association significantly involved in the drafting of the 1899 Illinois Juvenile Court Act, the first in the nation, said of it:

> The fundamental idea of the [juvenile court] law is that the state must step in and exercise guardianship over a child found under such adverse social or individual conditions as develop crime . . . It proposes a plan whereby he may be treated not as a criminal, or legally charged with crime, but as a ward of the state, to receive practically the care, custody and discipline that are accorded the neglected and dependent child, and which, as the Act state, "shall approximate as nearly as may be that which should be given by its parents."[1]

The provision that care "shall approximate as nearly as may be that which should be given by its parents" appears virtually intact or in closely paraphrased form in just about every juvenile court act in the nation. Just how

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See footnotes on p. 198.

far juvenile justice practice deviates from that is glaringly evident. If the spirit of that mandate were to be taken literally, most children's institutions in the United States—private as well as public—so called "open" residential institutions as well as "closed" detention institutions—would be shut down, as would probably most homes and many facilities fashionably labeling themselves "group homes".

It is hard to believe that in 75 years an intelligent nation blessed with an incredible capacity for technological innovation and development of its resources could have made so little progress in developing that concept of "equivalent care" unless it really had no such intention.

Anthony M. Platt hypothesizes that those most responsible for promoting the juvenile court movement, whom he calls the "child-savers" had a different end in mind:

> Although the child-savers were responsible for some minor reforms in jails and reformatories, they were more particularly concerned with extending governmental control over a whole range of youthful activities that had previously been handled on an informal basis. The main aim of the child-savers was to invoke sanctions on conduct unbecoming youth and to disqualify youth from enjoying adult privileges. As Bennett Berger has commented, "Adolescents are not made by nature but by being excluded from responsible participation in adult affairs, by being rewarded for dependency, and penalized for precocity."
>
> The child-savers were prohibitionists, in a general sense, who believed that social progress depended on efficient law enforcement, strict supervision of children's leisure and recreation and the regulation of illicit pleasures. What seemingly began as a movement to humanize the lives of adolescents soon developed into a program of moral absolutism through which youth was to be barred from movies, pornography, cigarettes, alcohol, and anything that migh possibly rob them of their innocence."[2]

If Platt is right, our resistance to innovation in child care and the chaos of the juvenile justice system are more easily understandable. Delinquency can be defined very simply as any resistance to adult authority by persons below a statutorily defined age. The tradition that a child's duty above all else was to submit to adult authority goes back to colonial times more than 300 years ago. Connecticut law in 1650 provided that:

> If any man have a stubborne and rebellious sonne of sufficient years and understanding which will not obey the voice of his father or the voice of his mother, and that when they have chastened him will not harken unto him, then may his father and mother lay hold on him and bring him to the Magistrates assembled in Courte, and testifie unto them that theire sonne is stubborne and rebellious and will not obey theire voice and Chastisement, but lives in sundry notorious Crimes such a sonne shall bee put to death.
>
> It is also ordered by this courte and authority thereof, that whatsoever Childe or servant within these Libberties, shall be convicted of any stubborne or rebelloius carriage against their parents or governors, which is a forrunner of the aformentioned evills the Governor or any Magistrates have libberty and power from this Courte to committ such person or persons to the House of Correction and there to remaine under hard labour and severe punishment so long as the Courte or the major parte of the Magistrates shall judge meete.[3]

While we no longer permit execution of rebellious and disobedient children by law, some children in institutional care, whether jails, detention centers or training schools still get beaten to death or kill themselves.

The juvenile court movement rose in partnership with the ideologies of "treatment" and rehabilitation." The cause of deliquency was seen to be some social or psychological sickness, deficiency or defect within the child. Intervention by the court and removal of the child from his home to institutional "placement" were seen as a form of social surgery performed in the child's interest. Since whatever was done was to "help" the child, courts should have as broad a latitude as possible to work with him and treat him. Legal safeguards were unnecessary because whatever was done to the child by and through the court was defined as treatment. The Iowa Code—and I'm sure others as well—provides that petitions and subsequent court documents shall be entitled, "in the interest of ———— a child," whether the court commits the child to jail, training school or whatever.

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Addressing himself primarily to adult corrections, but in a way that is equally applicable to juvenile corrections, Robert Martinson attacks the concept of correctional treatment as "a dangerous myth" and provides documentation for his assertion in four *New Republic* articles published in April and May of 1972 which I would like to have admitted into the record as supplements to my testimony.

In 1967 Martinson and his colleagues searched out all studies of correctional treatment they could find published since 1945. Two hundred thirty one studies and 285 findings were examined. Martinson's tentative conclusion was that "on the whole, the evidence from the survey indicated that the present array of correctional treatments has no appreciable effect—positive or negative—on the rate of recidivism of convicted offenders."[4]

The appropriateness of the juvenile court for dealing with children whose behavior may be disturbing or offensive to those in authority over them, even though such behavior would not be criminal if engaged in by adults, is increasingly being questioned. The assumption that resisting adult authority, in and of itself, is a symptom of social pathology and "pre-delinquency" is also being questioned.

The extent of non-criminal "delinquency" handled by courts is difficult to measure, as, for that matter, the extent of behavior handled by the courts which could be prosecuteable as criminal offenses if committed by adults, because in many courts the legal label applied to the child is determined not by the child's behavior but by what the court wants to *do* with the child. A child committing an auto theft or burglary, for example, may be labeled "delinquent" if the court intends to commit him to the training school, but "dependent" if the court decides to send him to a private institution which has a policy of not accepting children legally labeled "delinquent." There is no question, however, that dealing with non-criminal delinquents places very heavy burdens on the energy and time of the court and its staff.

Increasing uneasiness with lumping the runaway or disobedient child into the same legal category as the child who commits armed robbery or murder has resulted in the invention of another legal label for the non-criminal delinquent—called variously CHINS, MINS, PINS or JINS—children-in-need-of-supervision, minors in-need-of-supervision, person-in-need-of-supervision, juveniles-in-need-of-supervision. But a recent study of nineteen major cities appears to confirm that this trend toward separating criminal delinquents from non-criminal delinquents is "a hoax."

The study indicated that 40% to 50% of the residents of juvenile correctional institutions nation-wide "are PINS cases and these are mixed indiscriminately with delinquents in most institutions." Further, suggests the study, "PINS are more likely to receive harsher dispositions and to be sent to correctional institutions; they are more likely to be detained (54%) than serious delinquents (31%) and twice as likely to be held for more than thirty days, and the median length of institutional stay for PINS is thirteen months, compared with nine months for serious delinquents." The same study suggests that probation caseloads are increasingly burdened by children non-criminally resisting adult authority.[5]

The Senate hearings on S. 3148 and S. 821 massively and compellingly document the failure of our traditional juvenile justice system to deal effectively with serious delinquency, to the socially and emotionally destructive impact of that system on the children it deals with, and that children who enter the system, particularly its institutions, come out of it worse than they went in.

It is for such reasons that Lugar and Saltman assert in the *Task Force Report on Juvenile Delinquency and Youth Crime* produced for the President's Commission on Law Enforcement and Administration of Justice in 1967, that some offenders "would be far better off if they were not apprehended for their illegal activity. Too many youth deteriorate in our care, rather than receiving the vital treatment they require. Since many anti-social activities are unplanned outbursts of childhood and adolescent frustration, many offenders will mature to productive adulthood if they are not lebaled as delinquent and stigmatized by correctional processes."

Burns and Stern, other consultants contributing to the Task Force report make the parallel observation that "many individuals who engage in delinquent activities do not continue into delinquent or criminal careers. The normal and gradual process of maturation appears to be a major curative factor even in

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serious cases of delinquency. Given time and some tolerance, many youngsters will simply abandon their participation in delinquent activities as they grow up, join the army, get married or obtain a job."

We have learned the hard way that placing all the blame and all the responsibility for change on the individual offender is never going to work. It is not going to work on the juvenile level any better than it has worked on the adult level. We have also learned that physical and social environment profoundly effect individual behavior. We are, to some extent, both molders of our society and creatures of it. Attacking criminal behavior by children and youth is going to require involvement and change of an integrative kind among all social institutions that impinge upon the developing child and person—the family, the schools, the law and politics—as well as that part called "corrections."

The *Task Force Report on Corrections*, prepared for the President's Commission on Law Enforcement and Administration of Justice in 1967, asserts that:

"The general underlying premise for the new directions in corrections is that crime and delinquency are symptoms of failures and disorganization of the community as well as of individual offenders—the task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life . . . this requires not only efforts directed toward changing the individual offender which has been almost exclusive focus of rehabilitation but also mobilization and change of the community and its institutions."[6]

Effective implementation of such a premise requires redefinition of the role of the community, with all its agencies and services, and how they shall relate to correctional issues and problems that have generally been relegated to one or another of the elements of the traditional system to deal with as best they could.

I fully concur in the findings and declaration of purpose of H.R. 6265. I have also examined S. 821 which I assume to be the Senate version of H.R. 6265. I heartily endorse the findings and declaration of purpose of S. 821.

Before commenting on the more specific content of H.R. 6265 or, for comparative purpose, on S. 821 I would like to offer a few guidelines that I would try to follow were I in your place—writing laws to improve the juvenile justice system and the quality of life for children generally.

I. Laws protecting children should be written in a spirit of advocacy for children. One of my students in a seminar on delinquency and social institutions observed in a paper that society is "composed of two types of people, those that run the system and those that are processed through it. The powerful manipulate the powerless. Juveniles are among the most abused. An ideal society would be composed of citizens who would treat others as they themselves would like to be treated."[7] I find it hard to improve on that statement.

If I were writing this legislation I hope I would ask myself whether the law I was writing would protect and provide the kind of care I would want for my own deeply loved children. Somewhere in the bill I would probably include a provision for training and paying advocacy-oriented lawyers to fight for what the child before the bench wants or will accept—not for what parents, social workers, probation officers or judges want or assume as best for the child.

II. This guideline might be labeled "No Hurting." In all cases of coercive intervention in the life of a child or the life of his family, particularly where removal of the child from his home is considered, I would place on the state or agency moving for intervention the burden of proof that the intervention proposed is better than what the child already has. Were such a burden of proof seriously applied, far few children would be removed from their homes or communities, and services, I suspect, would improve dramatically.

III. My third guideline would have to do with affirming the right of the child to be a person rather than a chattel of his parents or others with authority over him. Where possible, the child would be significantly involved in decisions affecting him. He would not be compelled to surrender his internal privacy, his right to think his own thoughts, feel the way he wanted to feel, as a condition of maintaining or obtaining freedom from restraint, whether institutional or under community supervision.

IV. Wherever possible, consistent with the child's physical safety or the physical safety of others, the child would not be forced, either directly or insidiously, to accept help. If, for example, he were referred by a law enforcement agency or a court to a youth services bureau and the bureau accepted the

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referral, the child would be free to discontinue participation in the service without fear of being referred to the court or being returned to the court. I have a fear that unless such safeguards are built into alternative diversionary services, the services may become merely extensions of authority over the child into far broader areas than exist now without any significant due process protection.

I have the following comments about H.R. 6265 and its Senate version S. 821:

Section 103 (both versions) on "definitions." The Senate version includes a provided it was in "the best interest of the United States and of the juvenile tion" of programs. I feel that without such participation, programs are far less likely to be accepted by clientele or to be relevant to their needs. I feel further that, where possible, services to delinquents as well as non-delinquents (truly voluntary, of course) ought to be developed at the neighborhood level and that residents of the neighborhood, particularly in low status and minority areas, should be trained to provide such services, preferably on a paid basis.

Section 5032 of S. 821 provides for the transfer of federal jurisdiction over offenders to state courts unless the attorney general certifies the state court does not have or refuses jurisdiction, or does not have adequate services. Juveniles sixteen and older alleged to have committed certain more serious acts are subject to criminal prosecution in United States District Court upon motion to transfer of the attorney general. I do not feel persons under eighteen ought to be prosecuted as adults under any circustances.

In 1931, forty-three years ago, the attorney general of the United States adopted a similar policy "of referring all federal juvenile offenders to their home communities if such communities would accept the responsibility and if they had facilities to do so properly." This policy was validated by Act of Congress in 1932, which provided for surrender of any person under twenty-one years of age arrested for a federal offense be transferred to state courts provided it was in "the best interest of the United States and of the juvenile offender to surrender the offender to the authorities of such state."[8]

I feel that, where possible, transfer of federal offenders to state courts for adjudication or to state facilities for disposition will avoid costly duplication of services and facilities and permit more effective provision of services closer to the offender's home. I question whether the federal government should continue building or operating institutions or providing other direct services to juveniles when funds for such facilities and services could be diverted to states and communities for significant improvement of state and local services.

H.R. 6265 omits sections 5033, 5034, 5035, 5036, 5037, 5038 and 5039 which deal essentially with procedural and general rights of alleged juvenile delinquents under federal jurisdiction, together with detention standards, speedy trials, dispositional hearings and very specific spelling out of us of juvenile records. While H.R. 6265 also expresses significant concern for the rights of juvenile, greater specificity might contribute to the strength of the bill.

I very strongly favor the thrust in both bills for development of alternatives to institutional commitment by rewarding states which develop, through probation subsidy, community alternative programs to incarceration. I am also immensely pleased at the provisions that, to qualify for grants under the act, states must provide alternatives to detention for children who have allegedly committed offenses that would not be criminal if committed by adults and with the prohibition against confining the alleged delinquents in institutions in which adult prisoners are held.

There ought, perhaps, to be some provision in the bill that would discourage states or political sub-units from building new juvenile detention facilities until other alternatives, including intensive shelter programs have been maximally developed.

With respect to juvenile courts, I would recommend that the committee consider providing special inducement, through the Act's grant formula, for states that limit the jurisdiction of their juvenile courts in delinquency matters to offenses that would be crimes if committed by adults. What may happen otherwise is that juvenile court caseloads will continue to rise, and more and more children who need only to be let alone will be subjected to "diversion" programs or "community treatment."

The need for juvenile court involvement in non-criminal "delinquency" would appear far less urgent with the development of truly voluntary shelters for

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runaways and children in severe conflict with parents, to which the child could go and remain without parental consent, and confidential counseling services made available to the child without parental consent.

I find the emphasis on accountability and evaluation in both versions commendable, though these policies will of course have to be worked out very carefully at the administrative level to assure that accountability can be enforced and that evaluation really evaluates.

I feel strongly that the federal government can be most effective in preventing and controlling delinquency by setting standards, building a data base to define the problem and measure progress in solving it, and providing technical assistance of a planning and program development nature to the states and communities. I would hope that in carrying out these tasks, the proposed National Office of Juvenile Delinquency Prevention would rely heavily on such resources as the National Council on Crime and Delinquency to provide consultative services.

I think this bill, properly implemented, provides high hope for significant improvement in the juvenile justice system and development of services that will truly serve children and the best interests of the national community.

Footnotes

[1] As quoted in Pound, Roscoe. "The Juvenile Court and the Law." *Crime and Delinquency.* Vol. 10, No. 4, October 1964. p. 498.

[2] Platt, Anthony M. "The Rise of the Child Saving Movement." Lerman, Paul, ed. *Delinquency and Social Policy.* Praeger Publishers, New York, 1970. pp. 16–17.

[3] As quoted in Cole, Larry. *Our Children's Keepers.* Fawcett Publications Inc., Greenwich, Conn., 1974. p. 13.

[4] Martinson, Robert. "The Paradox of Prison Reform—II: Can Corrections Correct?" *The New Republic*, April 8, 1972. pp. 12–15.

[5] Klopmuts, Nora. "Children's Rights." Reprint from *Crime and Delinquency Literature.* Vol. 4, No. 3, September 1972.

[6] As quoted in Richmond, Mark S. "Measuring the Cost of Correctional Services," *Crime and Delinquency.* Vol. 18, No. 3, July 1972. pp. 243–252.

[7] Joshua, Pat. *Juvenile Justice and Social Institutions.* Unpublished Paper, 1974.

[8] Hyatt, Carl Britt. "New Treatment for the Federal Juvenile Offender." *Yearbook of the National Probation Association.* 1936. p. 293.

The Paradox of Prison Reform—I: The "Dangerous Myth"

(By Robert Martinson)

The moment prisons were established they were found wanting, and their history is the story of unceasing attempts to improve them, apparently to no avail. The 19th and 20th century movements for prison reform have been as contradictory as the prison. Today, about 80-percent of reported crime is committed by repeaters.

When one asks what "prison reform" means, five traditions are discernable: [1) Prisons are for punishing offenders. (I will refer to these conservatives as the "hard-liners.") 2) Prisons are vicious instruments of revenge and should be abolished immediately. (I label this position "populist.") 3) Prisons are necessary to defend civilization but they should be improved to make them less punitive and more humane. (This is the mainstream tradition of the 19th and 20th century "humanitarian reform.") 4) Prisons should be transformed into effective instruments for the rehabilitation of offenders. (This is "correctional treatment.") 5) Prisons are necessary to some stages of civilization but can be replaced by milder forms of control to the degree permitted by democratic crime prevention. (The "social planning" view.)]

Modern corrections has become an Alice-in-Wonderland in which representatives of all these views are found, intermixed in wondrous combinations. Recent events—Attica, the murderous conditions in the prison farms of Arkansas, the announcement by Governor Reagan of the closing of San Quentin prison, the proclamation of a Bill of Rights for prisoners—indicate ferment and growing crisis. In what follows, I hope to document the distintegration of "correctional treatment" (number 4) in the hope of laying the basis for "social planning" (number 5).

Let us use the 1952–53 worldwide cycle of prison riots as a convenient benchmark. In the wake of those disturbances, John Bartlow Martin, a crime reporter

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with a gift for plain-talking, wrote a little book, *Break Down the Walls*, in which he denounced the "professional people" for having devised a dangerous myth—"myth because it is not true that prison can rehabilitate [treat] men, dangerous because their pretense that it can leads them to loose dangerous men upon society." He continued: "Rehabilitation [I prefer the term correctional treatment] in prison today is a pie-in-the-sky idea. . . . [We] appear to believe that if we provide the stainless-steel kitchen, the schools and shops and toilets, one day rehabilitation will descend upon the inmate, like manna. And it is not only wardens and penologists who believe this; it is inmates as well."

Mr. Martin wrote his critique at a watershed in American penology. He looked back upon a century of reform supported by uplift societies, trade union locals, ladies' clubs, probation lobbies and political groups from Populist to Socialist. The achievements were visible and uninterrupted: probation; parole; the juvenile court; prison classification systems, separate facilities for juveniles and females; abolition of the whip, the ball-and-chain, the striped clothes, bread-and-water (except as a punishment), and hard labor; the diagnostic clinic; a single state department of corrections; and civil service protections for guards. All that was in the past.

As the 20th century grew older, new professional groups in probation, parole, social welfare and psychiatry (in alliance with humanitarian reformers) began to introduce into prisons the chaplain, the teacher, the vocational instructor, the counsellor, the psychiatrist and the nonpolitical warden. The prison turnkey became professionalized as the correctional officer, and began to form trade unions. "Custody" and "treatment" jockeyed for power.

Sometimes treatment staff became unofficial spokesmen for prison rioters. They successfully convinced inmate leaders that disturbances should be moderate and limited to the improvement of treatment services or the inauguration of treatment programs. At this point, Mr. Martin introduced the inside-dopester realism of the tough crime reporter. It was indicative of his hard-liner vein that he looked over the disciplines studying the "causes of crime"—biology, sociology, psychiatry—and opted for the most reactionary fad of his epoch, the biological-psychiatric notion of the "psychopathic personality [which] seems to lie at or close to the center of the whole problem of criminality." Mr. Martin believed that the psychopath dominated inmate leadership and helped produce the riots whose history he had written.

"The prison system makes no sense," he concluded. "Prisons have failed as deterrents to crime [and] as rehabilitative institutions." Well then, why not reform them? "The prison cannot be reformed" he answered. . . . It must be done away with." But how could an institution found so felicitous by our forefathers (and copied throughout the world) have become a "monster error [which] has nullified every good work?" How could an institution—prison—set up to protect society have become the "enemy of society" when it had been so improved for a century? Would further improvement make it worse?

Mr. Martin was adamant: "The truth is that a rehabilitation [correctional treatment] 'program' in today's prison is utter nonsense. Prison is a place to keep people locked up. It never can be more." This "utter nonsense" was to become the crowning wisdom of "corrections" in the decades that followed. The '50s and '60s were to become the high point of the Age of Treatment. The myth of correctional treatment was co-opted by prison officials and enshrined in the Manual of Correctional Standards.

The new alliance between the professional people and the prison administrators was most firmly established in California after World War II. In 1943, Governor Earl Warren began reforms which changed the state's prison system from one of the most backward and crisis-ridden to one which gradually gained the reputation throughout the world as a model of correctional practice. The Warren reforms followed two decades of prison scandals. Relying on an informed and aroused public opinion, the governor appointed a treatment-oriented administrator, Mr. Richard McGee. New prisons (minimum and medium security) were built. Professionals were hired to man the diagnostic clinics and probation and parole were expanded. Prison record jackets bulged with new information about the inmate. Centralized control was combined with efficient classification. Individual wardens lost independence as central office staff monitored operations, transferred inmates, and lobbied directly with the governor and legislature.

For the first time, an entire prison system was permeated with the "dangerous myth" of corrections. Group counselling was introduced *en masse*, even in facilities as security-ridden as San Quentin and Folsom. Middle management was trained in group treatment techniques and custodial ranks were indoctrinated with the new perspective which came to be called the "correctional therepeutic community." New units called "Adjustment Centers" were built within the prisons, based on the principle of the indeterminate sentence and combining maximum security with individual treatment. A maximum security medical facility was opened as Vacaville. An outstanding research division was given wide powers to help plan experimental programs and evaluate their effects.

The progress of acturial research made it possible to assign every California inmate a "base expectancy score" to predict his likelihood of returning to crime. "Good risk" inmates were released early from confinement and the savings used to underwrite the ten-year Special Intensive Parole Unit studies. Efficient classification made possible rapid transfer of inmates from one part of the far-flung system to another (called "bus therapy" by the insiders). An Army barracks in San Luis Obispo was turned into a minimum-security old men's home. Parole out-patient services were provided, and addicts were given the newly developed Nalline test four times a month (with one surprise visit) by state-hired doctors. Finally—to symbolize the coalescence of correctional administration and scientific method—a newly built medium-security prison (California Men's Colony—East) was opened to inmates using a research design randomly assigning newcomers to various quads of the prison.

As a fledgling criminologist, I once questioned an older guard about the structure of his institution. "Structure?" he said ruefully, "structure is a dirty word around here." Prison officials get nervous when groups of inmates congregate, but in California the "large group" (about 50) was common. It was an unforgettable experience to see these men dressed in blue, sitting in a large circle sipping coffee and quietly putting one of their number on the "hot seat." When I was put on the hot seat the session broke up with whoops of glee, since I confessed I didn't know whether group treatment reduced recidivism—a favorite topic.

These group bull-sessions did break down barriers. There were few riots and no prison scandals in California during these years. Inmate disturbances were channeled toward passive and nonviolent forms of action—work stoppages, peaceful demonstrations, concerted mass cell lockups. The sessions—often led by crusty old maintenance workers—were sometimes hilarious. Inmates would present dramatic renditions of what they imagined to be the deep Freudian causes of their present sad state. The sophisticated young counsellors called this "shucking." They agreed that they were involved in a form of professional "shucking" when they permitted the men to explain things in this sterotyped way. One professional justification was that this mutual shucking could produce a more verbal offender who, hopefully, would turn to less violent and impulsive crimes when released.

Group sessions were called "correctional treatment" and were taken seriously by anyone who wished to rise in the ranks. Middling budget requests were expected to be prefaced by justifications linking new programs to treatment theory. It is difficult to argue—in the face of all this—that treatment has never been given a chance to work.

Struggle for Justice, a recent report prepared for the American Friends Service Committee, notes a number of gross effects. "From 1959 to 1969 the median time served [in California] has risen from 24 to 36 months, the longest in the country." [Also] "the number of persons incarcerated per 100,000 has continued to rise, from 65 to 1944 to 145 in 1965." Should we listen to a self-interested argument which asserts that the average California offender (in a state with a large in-migration) became more criminalistic in these years and that without treatment the length of stay would have scored even higher?

Prison reformers denounced the *brutality* of the prison regime (which was true enough, but they saw this brutality as the major cause of persistence in crime. So they deliberately reformed the prisons—only to produce a worse result. Why? The distinguished American criminologist, Edwin Sutherland, taught that younger offenders learn the ways of crime through "association" with criminal patterns combined with isolation from law-abiding patterns. On this view, the prison—no matter how improved—can still be regarded as a "crime school." Recent theories have done little to deepen this insight. Most theories have this in common—they look for the "causes" of recidivism in changes (stigmatization," for example) presumably wrought in the offender through his interaction with official agencies. But were the reformers on the wrong track all the time? Could it be that the prison regime *as such* (brutality, food, inmate subculture, etc.) has little or nothing to do with the causes of repeated criminality?

Suppose (in the absence of firm data) that recidivism rates over the last 150 years were not affected by changes in the prison regime, that instead they simply reflect the *interruption of normal occupational progress.* Imagine what damage a five-year prison sentence would have on the chances for employment of a 20 year old apprentice in 1800 as compared to a 20 year old semi-skilled worker today. In 1800, the young apprentice could go on to a productive life despite his disadvantage; the semi-skilled worker of today might well give up the struggle. On this view (which is frankly speculative), the early prisons were brutal but not criminogenic. The released offender was needed in an expanding economy. He could take up a new life and did not leave the prison bereft of the minimum requirements—a strong back and a pair of willing hands. The reformers reduced the brutality of the prison, but society changed in the meantime. A relatively brief prison sojourn today may be more criminogenic than a much longer and more brutal sojourn a century ago. (If the effect is strong enough, one would predict an *inverse* relationship between recidivism and prison reform).

The early prisons left physical and mental scars but did not inhibit the offender from productive work, marriage, family. Today, prisons produce invisible but ineffaceable damage however tenderly they treat the offender. To "make it" in the 1970s requires a more exacting sequence of moves—high school or college, marriage, first job, bank account, next job, and so forth. Let us say that interference with this sequence produces "*life cycle damage.*" The damage is most intense (perhaps irreparable) at just the ages when crime peaks—from 15 to 25. One can now understand how the reformers could see a correlation between prison and further criminality and could come to the false conclusion that the highly visible prison *regime* was responsible. But the prison produces its paradoxical result—more recidivism as it is enriched and improved—not directly through anything it does or does not do to the offender, but simply by removing him from society.

On this view, society has outgrown the prison, and deprivation of liberty has come to be a self-defeating measure in a modern industrial economy. The myth of treatment is "dangerous" insofar as treatment systems—such as California's —which are based on the indefinite sentence, end up removing more and more offenders from society for longer and longer periods of time.

THE PARADOX OF PRISON REFORM—II: CAN CORRECTIONS CORRECT?

(By Robert Martinson)

We hear it said that if correctional treatment of prisoners hasn't worked yet, that is because it hasn't really been given a chance. The claim begins to wear thin, since treatment has been the official ideology of corrections for over half a century.

Treatment hasn't worked—according to its apologists—because it is resisted by backward guards (who must be professionalized), Doubting Thomases (who will succumb to evangelical exhortation), ordinary citizens (permeated with racism and revenge), archaic judges (unacquainted with psychiatry), timid academics (who won't abandon theory for the nitty-gritty work of reforming delinquents), and short-sighted legislators (interested in taxes, not in transforming prisons into hospitals).

If we took this view literally, research would be useless and evidence of success and failure irrelevant. If a study indicates that a particular treatment has no effect, there's no need to worry, for it means that *more* treatment is needed or more *intense* treatment. But what if all available forms of correctional

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treatment are found to be unsuccessful? For instance, there's a good deal of enthusiasm these days about work release for inmates. Ramsey Clark finds that " . . . the most discouraging thing [about it is the] timidity of the program and the opposition it arouses." But do we know that it works? My colleagues and I who have been examining the literature have found no study of work release that meets minimal scientific standards. Successful programs to divert offenders from prisons are needed, and I am anxious to look at the research design as well as Mr. Clark's interpretation of the findings. Mr. Clark asserts that "five percent failed" on work release. This is heartening since " . . . before the program was launched 50 percent were failing when finally released." One does not come across such dramatic successes often. But then Mr. Clark tells us that prisoners for work release were "cautiously selected," and " . . . nearly every prisoner wanted work release." If one "cautiously selects" such "good risks" theeir rates would be low whatever program you placed them on—work release, standard parole, or running the wheel at Las Vegas. Prisons are filled with offenders who will never commit another crime. If the "expected" rate of recidivism for these men was in fact 50 percent, then the "observed" rate of 5 percent was an improvement and work release an astounding success. But was it?

Let me refer to one more study mentioned in *Crime in America* because Mr. Clark seems to be citing evidence from studies conducted by the California Youth Authority under the direction of Marguerite Warren—the Community Treatment Project. Young offenders were randomly designated as "experimentals" (those who receive the treatment) and "controls" (those who do not). Hence, comparisons between recidivism rates are interpretable. The failure rates cited are 54 percent for "controls," and only 30 percent for "experimentals."

Marguerite Warren's project evaluated community supervision in lieu of incarceration for juvenile offenders (male and female) ready for their first commitment to an institution. With the agreement of the court, experimental subjects, graded by "maturity level," were assigned to small caseloads (12) and given the type of supervision deemed best for the type of offender. The lowest maturity level delinquents (12) were given supportive help, the middle group (13) secure control, and the most mature group (14) "insight" supervision. "Controls" were incarcerated and then released on standard youth parole (about 50 to 70 in a caseload). What were the results?

Matching maturity level with type of supervision produced no significant difference in success rates. However, a significant difference in failure rates resulted for all but one of the maturity subgroups, the group called "Cultural Identifiers," which had a significantly *higher* failure rate than its controls; to be blunt the treatment *harmed* them.

Why did "success" rates (measured by honorable discharges) and "failure" rates (by re-confinement) not mirror one another? This puzzle took months to unravel. My colleagues and I concluded that the experimental agents (who received special training) *tolerated more misbehavior* than the control agents. In short, *treatment may change the behavior of the agent rather than the behavior of the offender.* Finally, however, experimental offenders committed a larger number of offenses of all sorts than did controls and a larger number of more severe offenses.

Was the program a failure or a success?

Experimentals committed *more* offenses but were kept out of prison; controls committed *fewer* offenses under supervision of the regular agents but were returned to prison more often. How do you make a cost benefit analysis of that? What costs should be included? The experimental program had high costs for training these special agents and so forth. The control program included the higher costs of incarceration (about 10 dimes the cost of supervision in the community). But experimentals committed more offenses and these offenses involved victims. The property stolen from the victims might be included, but how is one rationally to include the cost of a violent offense or a rape?

Mr. Clark says: "We have demonstrated that recidivism—the repetition of crime by individuals—can be cut in half." He has demonstrated only a cavalier attitude toward scientific research. Many hopes hang on the results of the Marguerite Warren studies, but they are difficult to interpret. To illustrate, one study in the Northern California Federal Probation district randomly assigned probationers to three types of supervision—15-man caseloads, standard

50-man caseloads, and "minimal" (no supervision). The study (Joseph Lohmar, 1967) reported *no significant differences* in the new offense rates for these three types of supervision. However, the 15–man caseloads were associated with a *higher* rate of "technical" violation (that is, return to prison by action of the agent) than the other two levels of supervision.

The implications are immense. "No supervision" appears to do as well as standard probation supervision in 50–man caseloads, and *more* treatment (small caseloads) resulted in more probationers being sent to prison by theier agents. Why? The reader will never know until this type of inquiry is guided by a theory of probation supervision. Instead of a theory (open to testing', we have the myth which asserts that probation officers "treat" probationers and that smaller caseloads must mean more "treatment."

If we are to *Break Down the Walls*, as writer John Bartlow Martin advised, we must provide alternatives to incanceration for large numbers of offenders. If small caseloads (intense supervision) damage the probationer, or standard probation supervision is fruitless, why waste the time and energies of trained probation personnel? The caseload concept (borrowed from social welfare) has somehow become the basis of an organization designed to control *criminal* behavior. Is "help" given to an offender by professionals who have the duty to return him to prison self-contradictory? Why has another study indicated that a factor called "adequacy" of supervision is more important than caseload size in determining recidivism rates? Could a properly organized probation and parole system combine genuine help and nondamaging deterrence or should these functions be completely separated?

The aim of research is knowledge not justification. Without more and better research, we will permit arrogant assertion to rule us. To bring scattered research together my colleagues and I initiated a search in 1967 for all studies of correction treatment published since 1945. The search took six months and resulted in 231 accepted studies which generated 285 findings. The resulting volume.—*The Treatment Evaluation Survey*—will not make easy bedtime reading but it presents the most reliable current evidence. The 800–page volume was completed under the auspices of the Office of Crime Control Planning State of New York, and if all goes well, it will be published later this year, five years after it was initiated.

The conclusions will not come as a surprise to those engaged in correctional research, or to many practitioners who have long suspected that it is difficult to treat persons who do not wish to be treated. The Office of Crime Control Planning (now the Division of Criminal Justice) was farsighted in underwriting scientific inquiry with no instant guarantee of pay-off. I absolve them and my co-workers from responsibility for the interpretation I place on these findings. On the whole, the evidence from the survey indicated that the present array of correctional treatments has no appreciable effect—positive or negative—on the rate of recidivism of convicted offenders.

The present list of treatments is not lengthy. For example, Americans believe strongly in the value of education, so no self-respecting prison can be without formal classroom instruction. Or since many Americans find salvation in therapy groups why not try them on inmates? The list includes small caseloads in probation or parole which have no effect (with the interesting exception of *youthful* offenders given "intensive" probation supervision). Group counselling or therapy has no effect, although "group" supervision reduces costs. Psychiatric treatment my actually be "harmful" if it is given to younger "no-amenable" offenders. Formal education increases reading and writing skills but those who benefit go on to recidivate at the same rate. [Early release (90 days) does not increase recidivism for adult offenders and may decrease rates slightly for young people. Early release also saves money.] The highly touted halfway houses actually *increased* recidivism slightly, probably because offenders perceived theier stay a san additional period of deprivation of liberty, but there are only a handful of studies on this. The picture is little different for cosmetic surgery for facial defects (by itself), specialized caseloads for addicts or chronic drunks, job training (a little hope), prison vocational training, and for programs resembling these in the *intensity* of the treatment.

How can all this determined effort come to naught? Recently critics have suggested that the "individual treatment model" is faulty since it grants "broad discretionary powers" so that treatment agents may attend to "each offender's unique needs." But surely a humane society would do just this! In fact, there is little evidence in these studies of truly "individualized" help. And in all cases, treatment is forced and involves some degree of deprivation of liberty and therefore the strong probability of interference with what I have called "life cycle progress." To jettison real help for those who are faltering on the path is a counsel of despair. The "dangerous myth" permits professional experts to one-sidedly impose un-asked-for help, and to use "broad discretionary powers" to continue the process when the "help" does not help.

Taking a foreshortened view, these critics fail to see the central paradox—*deprivation of liberty is increasingly damaging in a society which fails to provide democratic opportunity, and yet demand skillful and uncovered effort from its citizens.* In the long run, we must replace coerced treatment with real help.

I chose to critize Ramsey Clark as a leading spokesman for treatment although I share many of his views on other matters. But the myth of treatment is no longer consistent with these liberal views or with the "passion for justice" which Mr. Clark bravely upholds against the hard-liners who now appear to be gaining.

If corrections does not correct, we should stop assuring inmates that it does or soon will.

THE PARADOX OF PRISON REFORM—III: THE MEANING OF ATTICA

(By Robert Martinson)

The dungeons of American penology were built mostly in the 19th century and have always been vulnerable to convict disturbances. The state with the most fearsome "pen" hoped to deter crime into its neighbors' streets and fields. From this amiable competition there resulted a "big house" in each state, fed by county jails and city lock-ups.

Probation and parole, now standard, began as privileges given to the "Square John" type of offender. Parole authorities increasingly used parole as a "testing ground," releasing more offenders than could succeed, with the expectation that agents would return to prison those who began to mess up. The proportion under community supervision increased (to the dismay of Mr. Hoover of the FBI), filling the prisons with the most hardened cons and only a small leaven of stable offenders. Once completed, this system (less than 100 years old!) has undergone almost no change.

Our early prisons were unashamedly brutal and the frontier beckoned inmates who could escape. In prebureaucratic America, escape meant something: one could change his name, start a new life, no questions asked. Every prison disturbance implied mass escape, and convict unrest was met with deadly fury. Today, mass escape has disappeared and practically all individual escapes are walk-aways by minimum security inmates, similar to parole absconding. Hopelessness plus ingenuity may still provoke an attempt to "hit the wall" or dig a tunnel or hide in a garbage truck, but it's rare.

Once escape was cut off, inmate disturbances turned inward. The prison riot was a struggle for reform of prison rules and conditions or a struggle for power within the inmate body for the meager privileges available. True, the riot usually spent itself in a short time and dissolved into anarchy as inmates settled old grudges or refused to afll in behind any leadership. Inmate riot was often nicely calculated to provoke interference by the humanitarian reformers. Sometimes it led to changes in paroling practices, better food, less punishment for breaking prison rules or fewer rules.

During the twenties and thirties, many American prisons were run by a corrupt inmate leadership who maintained order (for a price) while preaching the "inmate code." Treatment was believed to be aimed at putting a stop to this, and its attempts to do so were partially responsible for the riots of 1952–53. In the larger state systems, "bus therapy" aided administrators in beheading incipient revolts. Group counseling was sold to the old-school wardens—along with the new title of superintendent—as one means of maintaining order. The fearful reaction of guards to the "large group" diminished as they learned that such groups were useful in draining energies into verbal attack. In the San

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NOTE.—Robert Martinson is co-author of *The Effectiveness of Correctional Treatment.*

Quentin Adjustment Center in 1967, therapy groups led by young counselors were used as a privilege to relieve monotony. The inmates dealt out unbelievable personal abuse, but I was told by the counselors that this was part of the job of "treating" these "problem cases."

The "dangerous myth" of treatment is now disintegrating. But the policy which this myth protects—the policy of the indeterminate sentence—has been successfully embodied in law, in the power of paroling authorities, in treatment specialties, in public opinion. The spokesmen for treatment favor the *extension* of the indeterminate sentence. Most hard-liners long ago accepted the idea, only adding mandatory minimum sentences in case paroling authorities became too lenient.

Until recently, the only motivation among inmates worth talking about was the desire to get out. They saw parole as a privilege, but they had to convince the harassed paroling authority to make the visible and politically sensitive decision to let them out. This naturally led to second-guessing "the board." In California, one formula—believed to be fool-proof by its inmates adherents—prescribed a short period of nitense "messing up" on first entering prison followed by a mixture of one-half group therapy and one-half vocational training with a *gradual* reduction in prison misbehavior and a few carefully written letters to close kin.

Inmates have always detested the indeterminate sentence and have preferred fixed sentences and "good time" laws. But indeterminacy has a different meaning to the confined when real opportunities beckon than when parole appears to be a trap. (The main source of convict information about paroel is from those who have been returned to prison after failing, as Jerome Skolnick has pointed out.) If escape is useless (where do you go? what do you do?), and parole is a "testing ground," offenders can come to see all of society as a web of indeterminacy. ("They will never get off your ass.")

The sentence, say, is one year to life. After years of confinement the parole authority fixes a date for release and a term of parole that can be extended up to the last moment on parole. The parolee commits an offense against the parole rules and is returned for technical violation "to finish term." The paroling authority, after a few more years, resets a release date and a new term on parole. The inmate messes-up in prison just prior to release, perhaps in fear of a new failure. He is remanded to the adjustment center for an indefinite period. After several weeks, he threatens the life of a correctional officer and is bused to the third floor of the Adjustment Center at Folsom as a "problem case." (We are talking about California where indeterminacy is the rule.) His mind may now begin to snap so he is moved to the second and then to the first floor. He babbles and annoys the guards and inmates with his incessant demands. They remove his clothes, glasses and belongings and place him in a "strip" cell at the rear of the first floor where the iron doors shut him off in darkness and quiet.

The federal courts have tried to set minimum physical conditions for these "quiet" cells. If the inmate smears the walls with excrement, this must be washed off; he must be observed by the guard every so often. And so forth. Courts cannot administer prisons. They can arrange for lawyers to be present at parole hearings, but how can they subject a decision-making process based on the myth of corrections to judicial scrutiny? The essence of the treatment position is that it requires *expert judgment* to make treatment decisions. Evidence that the inmate should be released from the adjustment center comes to the decision-maker through a variety of sources, including the correctional officers who are shut up daily with him and must listen to his babbling and his abuse, and must clean the excrement from his walls, put out the fires he sets or replace the toilets he smashes.

The California adjustment centers are the best example of a false position run riot. Inside every prison is a unit to hold those who "cannot manage the freedom of the yard." But the old maximum security unit was for punishment (say, 15 days) while the adjustment center uses the indeterminate sentence. In California this was the brainchild of Dr. Norman Fenton, a mild-mannered, kindly man who hated the "hole and hoped to combine maximum security confinement with individual treatment. I found inmates who had spent almost four years in these "max-max" units. The new breed of militant black convict has made these places known throughout the world. An "end of the line" prison.

like Attica, plays the role of adjustment center for a large system of prisons.

Attica reflected a growing disgust with what the inmates regard as the hypocritical fakery of treatment. The inmate body has long listened to convict leaders who denounced treatment as a grand racket set up to employ professionals; now they listen to the views of new-left writers who assure them that they are all "political prisoners." Perhaps they also notice that treatment spokesmen denounce "punishment," but advocate life on the installment plan, a terror described by Franz Kafka.

As the myth of treatment has been co-opted by correctional officials, it has ceased to grip anybody. Those closest to the offender—the correctional officers—tend to view it as a form of "brainwashing." It could be argued (and was) that if treatment didn't rehabilitate, at least it kept the lid on. And it did keep the lid on for almost two decades. Attica is a warning that it no longer can do so.

The *expressive mutiny* (as I think it might be called) is a new form of collective disturbance, not meerely a temporary reflection of new-left influence among a group of politicized black convicts. It communicates the inmate's plight to the public so far as he understands it. The prison is used as an arena in which to stage dramatic renditions of inhumanity and rebellious gestures of inchoate despair and apocalypse.

Posh white radicals have romanticized this revolt of the criminal underclass and some have mounted activity to provoke "more and better Atticas," a position that even ex-inmate groups like the National Prisoners Alliance seem to be turning away from. This position finds no support among practitioners and active hostility among guards and their unions. Support for Attica-style revolts—as opposed to sympathy for the rank and file inmates—is found among groups not previously connected to prison reform and with no stake in corrections. This group includes poverty lawyers, radical intellectuals, upper-middle-class legal professionals, reporters, mass media specialists, and politicians dependent upon the inner-city black and Puerto Rican vote. It also includes members of revolutionary sects, academic guerillas and a few students.

The activist group adopts the role of "advocate"; the legalistic end, represented by the newly politicized American Civil Liberties Union, takes out full-page ads and mounts campaigns for convict civil liberties and rights. This movement incorrectly interprets convict insurrection as a response to "racism" and "brutality." It displays contempt for reformers who temper sympathy for offenders with sympathy for their lower-middle-class and blue-collar victims.

This movement has no solution but it may be temporarily successful in creating an unstable working alliance between some intellectuals and some convict leaderships—an incipient *Camorra* that might prove useful in controlling and exploiting ghetto areas if such groups as NEGRO need a little muscle and if America should move further in a reactionary direction. Mr. William Kuntsler is the spokesman for the new alliance between the criminal underclass and the new-left currents. He has a flair for popular demogogy. He has attempted to forward the image of Attica as an "Alamo," and the inmate insurrection as an "Athenian democracy." When the inmate "revolutionaries" compare this heady talk to the hollow promises of correctional treatment one can predict the result: disaster. We will turn away from this alliance of push radicalism and convict revolt—or be swept aside by the hardliners. For millions of Americans see crime *not* simply as a "code word" for racism or riots or student hijinks.

This is the third of four articles.

THE PARADOX OF PRISON REFORM—IV: PLANNING FOR PUBLIC SAFETY

(By Robert Martinson)

Treatment for offenders (and crime) has dominated our policy for a hundred years. It arose from a democratic impulse—the lowly convict could be redeemed. For a time, the institutions that embodied this impulse were subject to reform, but gradually they dropped out of the orbit of popular concern. And while treatment or corrections lagged, an agrarian nation was becoming a highly industrialized state, and after World War II, a world power.

Today, corrections is a self-contained bureaucracy subject to declining vision, inmate revolt, and popular discontent. As the incidence of crime has increased and the potential victim of crime has become more restive, a widespread "fear of crime" has surfaced. It has been exploited by politicians who offer little but denunciations and is partially intertwined with racial tensions. The fear, however, is genuine. Offenders—disciplined by the regime of the indeterminate sentence and taunted by promises of rehabilitation—hav brought their suffering into the open, not only to be cruelly used.

No solution is possible which does not submit the correctional systems to democratic control through agencies that have the power and resources to introduce change. To work successfully, planning agencies must gain public support. But a *new principle is required before the public will finally overthrow the myth of treatment*, and the controversy between the "punitive" hard-liners and their "bleeding heart" treatment opponents needs clarification if that new principle is to come to the fore.

Contrary to what we hear, for the hard-liners punishment is *not the goal of the post-adjudicatory system. The goal is deterrence—individual and general* deterrence—and the hard-liners assert that punishment is the appropriate *means* to this goal. They demand that the threat (of punishment) contained in every penal statute be carried out promptly, so that everyone will be assured that it is a credible threat: to legally convict and then punish an offender will "deter" him from further offending; it will also "deter" potential offenders from committing crime. The spokesmen for treatment, on the other hand, believe the goal should be rehabilitation and that treatment is the means to this goal. Do they believe that successful rehabilitation of an offender will have a chilling effect on potential offenders? No effect? The treatment argument is obscure at this point, primarily because treatment of offenders must go on within a punitive context—unless we decide to abolish the penal statute and reward offenders.

These two classical positions are not opposites. Each advocates a different mix of punishment and treatment. The hard-liners wish to strengthen the capacity of the state to strike fear into the hearts of potential offenders in order to maintain public order. Treatment is primarily concerned with changing the convicted offender into a law-abiding person. Both positions claim to "protect the public."

Must we choose between the two? Not if we shift attention from the offender (and the state) to the public and especially to the victim. The proximate goal of crime control policy as a whole (not merely corrections) would then be: *maximum protection to the public balanced against minimum harm to the offender.*

Both factions will oppose this formulation since it places the *victim* at the center of public policy. Treatment spokesmen seldom mention the victim except to warn that he may overthrow our system of justice in his thirst for vengeance. Hard-liners claim that the offense against the victim is "really" an offense against the state and that the victim's legitimate feelings of revenge are reconciled through legal punishment. I suggest it should be the aim of public policy to protect the public and to inhibit vengefulness by compensating the victim for the failure of the state to provide protection. Revenge wells up when the victim feels the state abandoned him; he has no place to turn for help. Then "fear of crime" is magnified out of all proportion to risk. Folk-justice is vengeful and subject to intolerable injustice, because the only gain is the momentary alleviation of feelings.

The maintenance of order in society takes place at the expense of a very small number of those who commit offenses. (About two percent of violent crime and 0.5 percent of property crime ends in conviction and imprisonment in America today.) But convicted offenders are *harmed* no matter with what care they are handled. A proper aim of public property is to discover ways to reduce this harm to a minimum compatable with public safety.

As we become more productive, the income pyramid bulges in the middle. So although the victim of crime is still concentrated in the ghettos and inner-city areas, he is increasingly located in the middle layers of society, and he is not powerless. Of middle or well-to-do status, he is organized in small business associations, trade unions, citizen lobbies and political parties. Jurisprudence, public policy, administrative procedure must change to fit these facts.

Everyone suspects that we are now getting *minimum* protection for the public and *maximum* harm to the offender. To move beyond suspicion to knowledge requires research that combines the analytical skills of the economist, the jurisprudence of legal advocacy, the sociology of the life span, and the analysis of systems. Centers and institutes combining such skills could aid planning agencies in evaluating programs, allocating public funds, and undertaking basic crime research. To combine "organizational intelligence" and public disquiet to produce substantial change in criminal justice systems is ultimately a political problem. Many of the elements for change are present—concern over Attica, a growing determination to shut down prisons (San Quentin, juvenile institutions in Massachusetts), the creation of 50 state planning agencies, increasing judicial intervention, the disintegration of the myth of treatment, growing attacks on the principle of the indeterminate sentence.

There are four major solutions currently advocated: 1) decriminalization (reducing or abolishing penalties for certain behavior); 2) operational efficiency (reducing irrationality by improving agency functioning); 3) diversion (shifting offenders from confinement to other parts of corrections or to the community); 4) crime prevention.

These "solutions" reflect different estimates of the need for change, and different criteria for determining when success has been achieved. Let us look at each from the standpoint of the victim or potential victim.

Decriminalization asks the public to tolerate more deviant behavior and cease using the law to enforce moral conformity. It assumes lack of consensus in such areas as abortion, sexual behavior, drugs, vagrancy, public drunkenness, prostitution, obscenity, and so forth and simply removes the behavior from the penal codes and reduces penalties. People who live in high rise apartments with doormen, or in well-to-do suburbs may find this a cheap solution. Persons in small towns or from rural backgrounds may find it shocking. Many of those required to tolerate the behavior—urban dwellers, ghetto inhabitants, small business people—refuse to make nice distinctions. Unless decriminalization is combined with *concrete protection* against the most feared crimes—robbery, burglary, purse snatching, mugging—it will be a "solution" achieved at the expense of the public.

Some progress might be made through increasing the *operational efficiency* of existing agencies, especially the police, but only if they are regarded as parts of a larger "system" whose boundaries are not arbitrarily fixed to deal with "symptoms" and ignore "causes." The *potential* victim in precinct A is not enthusiastic if it turns out that increased policy efficiency in precinct B has chased the offender into his backyard. Displacement of crime is part of the larger problem of deterrence. Five centuries of philosophical discussion ought to have prepared us to find out something about it. What kinds of activity, under what conditions, and with what amounts of public resources will inhibit what types of potential offenders from committing what kinds of offenses? In the absence of knowledge, planning agencies succumb to bureaucratic incrementalism: as Congress appropriates funds each criminal justice agency is given its added share.

A new strategy of *diversion* ("divert" offenders from confinement to community supervision) is growing among correctional insiders. This policy advocates bail reform, work release, weekend jail lockup, local supervision—any device that will reduce the contact between offender and the correctional system. Assumption that prison is always more damaging than probation or parole, diversion will reduce long-term criminal career costs. The potential victim wishes to know, however, whether this long-term saving is achieved by an increase in the probability of his being victimized. If he is given the facts, he may be willing to trade-off a short-term increase in risk for a less criminalistic society in the long run.

The strategy of diversion is not a panacea. All "contact" with the criminal justice system is not equally damaging to all offenders. I have argued that corrections cannot correct to the degree that its efforts—however well motivated—interfere with "life cycle progress" (the schedule of moves by which a person becomes a productive citizen). It is doubtful that probation or parole supervision are designed to minimize such interference and maximize help, especially if the treatment myth (smaller caseloads) continues to dominate public policy. Will a spectacular planned reduction in the median length of stay in California prisons under Governor Reagon be acompanied by a real *increase* in help to these released offenders (through job training, placement services, parole income, free psychiatric help, if requested), or will the philosophy of pinch-penny provide the public with neither short-run nor long-run protection? If deprivation of liberty as a punishment is becoming outmoded, it is not simply that incarceration is damaging but that liberty is *no longer so precious* for large numbers as it once was. Liberty is most precious when it is most useful. To offer offenders a hollow freedom is mockery, although they may prefer it to prison.

Finally, there is *crime prevention.* All the parts of criminal justice are in the public realm except the most important "part"—the social process that generates the criminal behavior and influences the police to select out the tiny number of persons to "process" from the mass of crime. The kinds of intervention covered over by the term "prevention" differ profoundly.

In an official report submitted by the Space-General Corporation to the state of California in 1966, the systems engineers, ensconced in their lily-white suburb of El Monte, gave us one version of the future. Their "Potential Offender Identification Program" included a "population planning program" aimed to "reduce the production of potential offenders." The report revealed that the crime problem was concentrated in the Negro and Mexican-American ethnic segments of the state and not in El Monte. What a discovery! Yet the then governor, Pat Brown, heralded the report as real science and not mere sociology. It was a preventive version of the myth of treatment.

Democratic crime prevention received a terrible blow during the period of "maximum participation of the poor." Programs such as Mobilization of Youth were premised on crime prevention, and promised to provide information testing the "opportunity" theory—the idea that real expansions of economic opportunity will reduce crime. But these programs provided no research worth looking at. As a result, crime prevention—the intervention into social conditions immediately associated with crime—is still a slogan and a hope. Yet, if it is the lack of social opportunity in an affluent society rather than the brutality of prison which is responsible for soaring crime rates, crime prevention *is* the core of a solution. By removing offenders from society, the prison damages their capacity to take advantage of opportunities even if they were provided. If the planning perspective is to prosper, it must distinguish sharply between programs to stop the breeding of "potential" offenders and programs to expand opportunity in a democratic society. For example, under a Correctional Training and Employment plan that has been proposed by Senators Javits, Hart, Kennedy and others, youthful offenders *before they are tried,* would enter a 60– or 90–day training or employment program; and if they do satisfactorily, the court case may be dropped. The bill authorizes $340 million for three years. But it's not clear how much of thie money would be spent on "improving" prison educational and vocational programs; that is, on further underwriting the myth of correctional treatment.

To repeat: the focus of social planning is the potential victim, not the offender. Social planning will not hesitate to properly allocate resources devoted to crime control. It will not hesitate to introduce radical changes in the present administration of justice aimed at reducing to a minimum the long-run damage done to convicted offenders. It will do this openly, through pragmatic experimentation, seeking to convince the public through *experience* that more deviant behavior can be tolerated, that a gradual reduction in crime is worth taking immediate risks for. But it will insist that risk must be shared equally through a national scheme for the compensation of victims. And, it will not taunt the convicted offender with promises of "treatment." Instead, it will squeeze the fat and the "rackets" out of corrections, and gradually close the noisome prisons.

Let me end with a coda. The long history of "prison reform" is over. On the whole the prisons have played out their allotted role. They cannot be reformed and must be gradually torn down. But let us give up the comforting myth that the remaining facilities (and they will be prisons) can be changed into hospitals. Prisons will be small and humane; anything else is treason to the human spirit. We shall be cleansed of the foreign element of forced treatment with its totalitarian overtones. Officials will no longer be asked to do what they cannot do; they would be relieved of the temptation to do what should not be done: further utilize the iron pressure-chamber of prison life to change the offender.

Crime arises from social causes and can be controlled and reduced (but not eliminated) through social action. The myth of correctional treatment is now the main obstacle to progress; it has become the last line of defense of the prison system; it prevents the sound use of resources to balance public protection and inmate rights; and it diverts energy away from defending democracy through widening opportunity. It is time to awake from the dream.

Mr. ZAMORSKI. I have gone through with some care the Senate testimony on these matters. What I feel we have in the system so far is a system that destroys kids. It is a childkiller, sort of a mindless monster.

I feel that the traditional system as it operates tends to destroy kids. I would characterize it as a kind of mindless beast to which we throw our kids; it chews them up and excretes them worse than they were to begin with.

Were I in your position as legislators trying to improve the system—one of the things I noted in the Senate version is a provision which would define the delinquent as a person under 18 years old who committed an act which would be a crime if an adult—I would like to see the incorporation of a similar definition in the House version.

If I were to choose just the one thing that I felt would overnight or very quickly tend to eliminate significant injustice and significant damage to kids, it would be to tie to appropriations and to make as a condition of grants under this kind of act that every State in its plans to have a provision within a year to limit the jurisdiction of juvenile courts to children in delinquency matters who had committed or were alleged to have committed acts which would be crimes if committed by an adult.

With that provision alone you would cut juvenile correctional institution population 40 to 50 percent. You would cut the use of jails for detention of juveniles up to 75 percent.

There is no question whatever in my mind that so long as we permit juvenile courts to handle acts which do not constitute significant threats to the safety of the community, the courts are going to continue to do that, and I think without some provision courts will continue to exercise that jurisdiction. Court caseloads will continue to rise and all that will happen with this money is that you will extend the capacity of the community or society to exercise more control over the lives of many kids, many for whom nothing should be done at all.

I think we need to look at the treatment value of simply leaving the kid alone. Many commit acts related to developmental processes. The spontaneous cure for delinquency is maturity. The problem is to identify those kids who really represent a threat to our security and deal with them in an appropriate way.

I feel very strongly the type of solution developed should be put on voluntary service, removing coercion. Children are sometimes referred to youth services on the condition if they fail to participate they will go into juvenile court. It is not going to work. Systems are great at cooperating.

In terms of runaways and other kids in conflict with their parents I would provide statutorily that children could seek shelter in such facilities without parental consent. One of the reasons many kids go underground is because if they do go to a runaway shelter there is a provision parents have to be notified. I don't think that is bad, but I don't think the price of temporary care ought to be that the parents could take them back, particularly if there may be a serious problem in the home. I think shelters should limit themselves to providing shelter for the kid.

Some kids might want counseling and I think they might be encouraged to accept it, but I think they should be encouraged, not coerced. I would provide that a child could seek confidential counseling without parental consent. Many agencies that are supposed to be helping them are afraid to give them assistance without the knowledge of the parents, so I think some such provision should be in there.

The consequences of such provisions are several. One is that it would encourage the development of relevant services. I am a great believer of providing service that one wants to use. One way to prove your services are relevant and good is to make people want them.

Right now, the way most juvenile court statutes are written, the burden is placed entirely on the child. He is the one who has to conform. He is the one who gets labeled a delinquent simply for not obeying the parents. I don't think juvenile courts should be policemen.

All courts say they are understaffed and underfunded, every one of them. The result as you increase the funding and number of staff is that magically the number of referrals also increase. I would think the courts could deal with those delinquents by sending them to training schools.

I have quite a bit of data with courts. One court with which I am acquainted had somewhere in the neighborhood of 78 percent of its referrals consisted of training runaways. Many of those could be referred to alternative agencies, and courts could do the kind of job they should be doing.

Another one of the things I wish would be considered is the possibility that as jurisdictions discontinue the use of jails for kids, I would hope they won't go on a building binge building detention centers. I think there ought to be strong incentives for alternative structures. Often we build structures of bars and steel because we are reluctant to provide the staff.

I think services for kids and legislation for kids ought to be written in a spirit of advocacy for kids. One of the things I would very much like to see in the development of State programs would be money to provide good lawyers for kids. Generally since the *Gault* and *Kent* decisions those tend to get ignored. Lawyers operating in juvenile court often have no training in the procedure and have to depend on a juvenile probation officer for interpretation of the law. They need to have a ritual function. I would say there should be a strong emphasis on advocacy, on having good lawyers. It is another way to significantly improve the system.

I have a number of other comments on application and the way the funds are to be administered.

The Senate version also has in it a provision which provides for consumer participation in planning consumer programs. I think those most affected are the disadvantaged groups, minority and low status groups. I think it is important to get them involved in the policy voice and formation of these programs.

So I think the State committees to be named ought to have significant representation of minorities, the poor, and some of the kids who have been in the system. They are the real experts on what goes on. I would like to see that.

The other thing in that respect is, I would hate to see these committees loaded up with professionals. I would rather see more lay people than professional people. They don't have axes to grind. I have worked with groups like the League of Women Voters and so on. I am not saying these particularly are the groups that should be contacted or included, but looking at the problems and what should be done represents a very strong force for a creative change in the system.

I am a little bit concerned under part B, the special emphasis prevention and treatment programs section, the provision for a writeoff.

Mr. HAWKINS. What page?

Mr. ZAMORSKI. Page 15 in your bill, and it would be, I guess, section 205(b)(5).

Now my question about that is, if you are really thinking about innovative programs, a good many governmental units tend to be units which are afraid of innovation because innovation also means controversy, it means change.

I am a little bit familiar with what happens there because under our State crime commission funded under LEAA I was involved in the writing of four proposals that would have provided alternatives of a diversionary nature. One provided incentives and supervision. Another had to do with creating a system of centers or services at the neighborhood level where people in the area would be trained to deal with their own kids and provide voluntary service at the local area. There was one other program.

All of these we submitted to the State and also the local crime commission. One got lost; another, which was a 20-page single-space document chock-full of statistics, was given back to us on the basis there was not sufficient documentation—whereas a sheriff with no documentation got $10,000 for something having to do with drugs.

I have just one or two other points. I would see the hope in these bills as putting major emphasis in developing new programs and services; whether new programs or not, I don't know that too much emphasis should be placed on simply developing these through the use of social workers or elsewhere. I think those workers have a place. I am not saying trained workers cannot provide that service but I think we can overprofessionalize sometimes.

I think I should stop there.

Mr. HAWKINS. Mr. Zamorski, I certainly want to express our appreciation. You have given us some excellent recommendations. Now just a couple of questions from the Chair:

Have you had an opportunity to read H.R. 13737?

Mr. ZAMORSKI. No, I have not.

Mr. HAWKINS. We would appreciate your comments on that proposal after you have had an opportunity to read it.

During some of the field hearings on the runaway youth proposal, one or two persons expressed a reservation as to doing anything in a formal institutional way about runaway youth in providing shelter and so forth, on the basis that this would be an incentive if you made a program too good, and that it would actually encourage them to run away.

What would be your response to that?

Mr. ZAMORSKI. Many youths run away from intolerable home situations. I don't see anything wrong with providing shelter and food for that type of kid.

I think one of the ways to actually minimize that is to put the the parents in a position that they, themselves, have to accept responsibility for the problem. The whole matter of children's rights, for example—I also wish some of the emphasis on procedural due process might be incorporated in your version. I think that is very, very importnt and I have a number of cases——

Mr. HAWKINS. May I say, I hate to interrupt, but one of the reasons we have hesitated to put due process procedural elements in the House bill is a matter of jurisdiction. Having done so, it would have been in the Judiciary Committee. We feel that committee has enough to do on impeachment and they couldn't get around to this problem.

I certainly agree with the recommendations you have made to incorporate some of the Senate provisions in the House bill. We would have to incorporate the due process procedures in a separate bill.

Mr. ZAMORSKI. We tend to assume that simply because we have agencies which are supposed to be providing services, they are providing them. Any agency has the burden of proof that what he is offering to that kid is better than what he has. Unless what is being given is better than what that kid has, leave the kid alone.

That will help put pressure on the system to develop services that really meet the needs of kids.

Mr. HAWKINS. Mr. Benitez.

Mr. BENITEZ. You said that you would provide for an intelligent way of dealing with the delinquent. Now could you explain that a little bit more? What would be this intelligent way you would substitute for the juvenile courts?

Mr. ZAMORSKI. Most problems of the kind we are talking about, we are talking about noncriminal behavior on the part of kids rather than delinquent behavior.

I think, first of all, services should be voluntary on the basis that the kid or his parents can accept or reject them.

I think one of those intelligent ways would be to have the cooperation of runaway shelters. A lot of what we have has not really been tested, either. We don't know what works or does not. We don't have any documentation that probation supervision in and of itself does anything worthwhile.

One of the things to deal with in terms of cost effectiveness is that if you have two or three things you ought to choose the cheapest alternative. We assume we have to do something for everybody. Maybe the best thing we can do for a hell of a lot of kids is to leave them alone, let them grow up, let them mature.

Mr. BENITEZ. I thought it was somewhat inconsistent on your part to argue, on the one hand, for the elimination of the juvenile courts and, on the other, for greater advocacy for juveniles.

Mr. ZAMORSKI. I don't see where the inconsistency lies.

Mr. BENITEZ. If you are trying to get away—and I am quite inclined to agree with you—if you are trying to get away from the niceties and irrelevancies which oftentimes pervade the judicial system, it would seem to me that when you request highly competent lawyers, you are falling into the same type of evil from which you are trying to get away.

Mr. ZAMORSKI. No, I think the juridical niceties don't tend to get practiced; when a child goes into court, that kid generally gets run through the system with ritual authority. If he has a lawyer, it is not his; the parent pays the bill.

Mr. BENITEZ. I thought you were advocating that the whole system ought to be junked for something else. If that is your position, I would find it inconsistent for you to say we must get champions for kids within this arrangement so that they can play the game. In other words, I thought you were saying the game is wrong unless you have new rules for it.

Mr. ZAMORSKI. I think the game for those kids who don't commit serious crimes, I think they need the same type of due process as adults.

Mr. BENITEZ. I thought you were saying we didn't need courts.

Mr. ZAMORSKI. No, you need courts for kids who commit offenses.

Mr. BENITEZ. The other question I would like to raise with you is: Since you are now writing these laws, and it is your job to provide the best scheme for research into the basic approaches that we need—what would you do?

Mr. ZAMORSKI. I think I would put very high emphasis on operational research; by that I means I would be very experimental, try all kinds of things, no matter what they might be, whether in-home supervision as against institutions, possibly group homes, whatever it might be.

I would try to find some way of measuring relative effectiveness of different kinds of approaches. Generally we don't have ways of measuring outcomes. So I would put high emphasis on research programs so that the goal and the approach were clearly defined and then you can measure the degree of progress.

It astonishes me that in the 50 years, roughly, that we have been engaged in probation, the basic underlying function, nobody has bothered testing that. We have put tremendous amounts of money into beefing up probation services, numbers of probation officers and so on, and I think, the way most probation officers and systems operate. I think maybe less damage is done when a person has a caseload of 200 than when he has a caseload of 10.

I had an incredible load and I found in reviewing some of those cases later that very few of those people got in trouble later. I did not see them again.

Mr. BENITEZ. I was searching in your answer for your approach to the problem and I think what comes through is not necessarily either in the format or in the specialization involved in this or that methodology but rather refers back ultimately to the humaneness, personal interest and empathy with the situation as well as the possibility of providing an atmosphere within which the constraints on the kids would be fewer and much more flexible.

Does that correspond in part to your position?

Mr. ZAMORSKI. Yes, but I would extend that as to the community. I don't think we pay enough attention to community attitudes and the whole matter of the labeling process and how a community feels certain kinds of kids ought to be handled. So I think I would put as much emphasis on treating the community as treating the kid.

Mr. BENITEZ. And treating the persons in charge of treating the kids?

Mr. ZAMORSKI. Yes.

Mr. HAWKINS. Mrs. Chisholm.

Mrs. CHISHOLM. I was interested when you indicated we should try all kinds of approaches and experimental programs. The thing we fail to realize today is that the kids are no different than they were years ago but they have been affected by more television, more working mothers, some of the problems that confront our youth today.

But the problem is those in charge of solving problems are hell-bent on tradition which is no longer the way to confront problems. It is true we need academicians and we need technicians, but how do we break through to those people in telling them that before you recommend what is good for this group of children you need to have the input and recommendation from people who move with these children and not feel too threatened?

I think it is one of the problems today. We are so hell-bent on tradition today. Those who have the education and those on top become so afraid of everybody.

What are your suggestions on this?

Mr. ZAMORSKI. Emphasis on children as persons.

Mrs. CHISHOLM. I think when you say that you also have to recognize that we are afraid of children. The analogy was drawn that perhaps many of the welfare persons or authorities would say we can't make provisions for a runaway home because it will make it too attractive and you will have too many children run away for this purpose.

Why are we so afraid? It is the same thing about prisons—don't make them too beautiful, don't provide libraries there.

And so I am just interested in finding out one basic thing, if I could: How do we reconcile the question of these persons who have most of the power to bring about solutions to problems? That is my concern, because I firmly believe that more and more money—although we know more money is needed, people are fooled by the idea that more money is the answer.

The answer has to do with our attitudes toward human beings.

Mr. ZAMORSKI. I think we should limit the power of those who deal with children. Under laws of the State of Iowa, for example, it is possible for the department of social services to take a kid who is adjudicated delinquent and transfer that child to a State penitentiary. The child does not even have to be present for the proceeding. In my opinion, that is outrageous.

Mrs. CHISHOLM. Thank you.

Mr. HAWKINS. Thank you for your testimony. You have certainly been refreshing and most helpful.

The committee is adjourned.

[Whereupon, at 12:15 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.]

[The following material was submitted for the record:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 1, 1974.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Subcommittee on Equal Opportunity,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to inform you that I fully support your bills dealing with juvenile delinquency on which the Subcommittee on Equal Opportunity has been holding hearings: H.R. 9298, the "Youth Runaway Act," and H.R. 6265, to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

The problem of juvenile delinquency is especially acute on Guam, where the number of youths exceeds the number of adults. Many neglected, abandoned, and dependent children heading towards a life of delinquency cannot be properly helped because of a lack of resources and limited funds. Congressional approval of these bills would not only insure urgently-needed assistance to runaway children and their parents, but would enable social service agencies to provide constructive alternatives to institutionalization.

I respectfully urge that the Members of the Subcommittee give their careful consideration to both bills. I assure you that their efforts, and yours, will be whole-heartedly appreciated by all the American citizens of Guam.

With warmest personal regards and "Si Yuus Maase,"

Sincerely yours,

ANTONIO B. WON PAT,
Member of Congress.

SOCIAL ADVOCATES FOR YOUTH,
San Francisco, Calif., May 9, 1974.

Hon. AUGUSTUS HAWKINS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HAWKINS: I am writing with hope that concentration will be given to the Juvenile Justice and Delinquency Prevention Act, HR 6265, now pending in the House of Representatives. This legislation and its companion bill, Senate Bill 821, will, I feel, be of the greatest possible value to young people if enacted. One of the great tragedies at present is that a considerable amount of time, money and effort is spent in trying to assist young people after they have become enmeshed in the Juvenile Justice system, but no real attention is given to help these young people before this tragedy occurs in their lives. It is my sincere belief that the Juvenile Justice and Delinquency Prevention Act will, by focusing its attention on the problems of young people before it is too late, assist these young people in attempting to meet the problems of this complicated world.

It is, I believe, basic that prevention is preferable to rehabilitation. It is equally basic that the creation of a record against a person, whether or not justified, has far-reaching consequences. From this, it becomes almost axiomatic that failure to provide help at early stages is a tragedy, the effects of which are almost irreversible.

The possibility of enabling a person to reach an understanding of the environment in which he is fated to live and to create within himself abilities to cope with that environment is much greater if this can be done before his conduct is completely polarized. Finally, it must be stated that a young person, who in his own mind is helpless (which, we believe, is the state of mind of most children when trying to react to an adult world) must be furnished the advocacy which is so badly needed and which is not available to most troubled children, if he is to have any chance of coping with life.

I, therefore, solicit your support for HR 6525.

Respectfully,

TADINI BACIGALUPI, JR.,
President.

NATIONAL COUNCIL OF JUVENILE COURT JUDGES,
Reno, Nev., May 8, 1974.

Hon. AUGUSTUS HAWKINS,
Chairman, Subcommittee on Equal Opportunities,
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: I write to express the support of the National Council of Juvenile Court Judges for H.R. 6265 now pending before your Subcommittee.

The National Council of Juvenile Court Judges has a membership of over 1,500 Judges throughout the United States who are daily in viable communication with the delinquent youth of our nation. It is we who have the direct responsibility for the control, education, correction and redirection of the troubled youth whose deviant behavior and unlawful activities create the seemingly insurmountable problem of juvenile delinquency.

Although we have not had an opportunity to specifically take action on H.R. 6265 we are on record in favor of S. 821 in principle. As we understand it, H.R. 6265 is very similar to S. 821 except that Title 2, of S. 821 having to do with the amendments to the Federal Delinquency Act, and Title 5, of S. 821, concerning the National Institute are not included in H.R. 6265.

We strongly favor Title 5, of S. 821 since we believe that the Institute would be an important component of the National Office of Juvenile Justice and Delinquency Prevention in the collection of data and the dissemination of information, as well as providing educational opportunities for Juvenile Justice personnel.

We believe that Title 2 could be eliminated from S. 821 without in any way affecting the main thrust of the legislation. Since there are only slightly more than 600 delinquency cases filed in the Federal Courts of the United States and since present procedures have created no serious problems, we see little to be gained by including Title 2 in the Juvenile Justice and Delinquency Prevention Act. Objectionable to our National Council is Section 207, of Title 2 of S. 821 which, in essence, provides the right of trial by jury in a delinquency proceeding. Both the U.S. Congress and the U.S. Supreme Court in recent years have rejected the right of jury trial in juvenile cases.

We strongly favor the creation of a National Office of Juvenile Justice and Delinquency Prevention. There is a desperate need for centralization of all responsibility for delinquency programs within the Federal Government. Unquestionably the disjointed and fragmented Federal delinquency programs of the past and present have had little effect on the total problem. Further there is great need for massive Federal support for the prevention and control of delinquency.

At present there exists critical gaps and deficiencies in the services of Juvenile Courts and their supporting facilities. The State and Local Governments have not and cannot close these gaps and make up these deficiencies without substantial on-going assistance from the Federal Government. Given sufficient Federal subsidy, probation could function effectively and many children who are now placed in training schools could be cared for in their own home. However, even with optimum probation facilities there will always be a considerable number of children who must be removed from their homes and placed in residential facilities for their own protection and for the public safety.

Everyone agrees that there are many children who are uneducable in the The present lack of these facilities results in overcrowding, poor programming and short term stays. Sufficient Federal Aid would overcome these deficiencies. conventional classrooms of our public schools. Many of the children who are getting absolutely nothing by way of education in the schools would be much better served by employment opportunities. Jobs for children 16 and over are practically non-existent and if provided would be a most effective tool in delinquency prevention.

While we believe the functions of the National Office of Juvenile Justice and Delinquency Prevention are important enough to justify having a separate office in the Executive Department, we are persuaded that for tactical and practical reasons the office can be lodged in the Department of Health, Education and Welfare under the direction of an Assistant Secretary of that Department.

In conclusion, we believe that the centralization of Federal Programs and the massive aid provided by H.R. 6265 and S. 821 are absolutely required to prevent and control delinquency in the United States. It follows that any reduction of youth crime will inevitably reduce adult crime. If we can be of any assistance in your efforts towards the enactment of this important legislation, please feel free to call upon us.

Sincerely yours,

WALTER G. WHITLATCH,
Vice President,
National Council of Juvenile Court Judges.

STATEMENT OF NATIONAL COUNCIL OF JEWISH WOMEN, INC.

The National Council of Jewish Women, an organization established in 1893, and with a membership of over 100,000 in local Sections throughout the United States, has concerned itself with justice for children for a number of decades.

Since its inception, our organization has provided help for children in trouble. In our very first decade, Sections provided remedial work in connection with juvenile and other courts. A Council probation officer for Jewish delinquent children was accepted in a Municipal Court in 1906, and by 1911 several other Sections were providing this service. At present, an estimated 70 sections are active in the juvenile justice system. Some are action in social action programs—sponsoring public meetings, testifying on proposed state legislation. Many are providing services—education, tutoring, vocation, recreation—in detention centers and training schools. One Section sponsors three residences for teenage girls who have been in trouble with the law.

In the Spring of 1972, in over 125 communities across the country, members of the National Council of Jewish Women began their year long study of Justice for Children. They have reviewed their local laws, interviewed judges, lawyers, policemen, administrators, social workers, educators, friends and critics of the juvenile justice system. They have visited courts, detention centers, training schools and other institutions and have sponsored forums, debates and public discussions.

On the basis of their research, they have recommended a program of action for the National Council of Jewish Women emphasizing children's rights, group homes and justice for children coalitions for action.

The National Report which will soon be published points to the need for the legislation before you.

CHILDREN'S RIGHTS

One of the major problems both in terms of the number of children affected and the harm outweighing the benefits is the area of status offense. The statutes involved are discriminatory and vague. They make it a crime for a child—and only for a child—to be "incorrigible," or "unruly," or "stubborn," or to "habitually idle away his or her time." The crime of truancy is frequently committed by youngsters when their reading ability is four or five years below grade level. We are more likely to jail a runaway child than deal with his intolerable home situation.

In some jurisdictions, we may call these children PINS, CHINS, MINS or JINS, instead of delinquents, but we are deceiving no one. We still jail them, give them records, and send them to training schools. Many training school administrators have been quite candid about the children in their care "who really don't belong here." We agree. As one report noted, "It can be said that the biggest help an institution gives a PINS is help in moving upward in the penal system."

Commission after commission has urged that these laws be changed. The President's Commission on Law Enforcement in 1967: "Serious consideration should be given complete elimination from the court's jurisdiction of conduct illegal only for a child . . . We must bluntly ask what our present power achieves and must acknowledge in answer that at the most we do not really know, and in at least some cases we suspect it may do as much harm as good." The White House Conference on Children in 1970: "Children's offenses that would not be crimes if committed by an adult—such as runaway, truancy, curfew violation and incorrigibility—should not be processed through the court system, but diverted to community resources." And most recently the corrections report of the National Advisory Committee on Criminal Justice Standards and Goals states: ". . . statutory changes totally removing the nondelinquent child from the court's jurisdiction in its quasi-criminal role should be sought."

It is time our laws reflected these recommendations.

Preventive detention of children is common with few detainees meeting the criteria of being either potential dangers to the community or possible runaways. They are frequently held for periods considerably longer than those recommended in any guideline. Three months stays in detention are not unusual. Some children have been held up to two years awaiting placement. Since detention is supposed to be short term the programs provided are minimal, particularly in education. Long stays are truly lost time.

There are still many areas of this country where children are detained in adult jails. Since the jails are usually required by law to separate children from adults, and since jail facilities are limited, this means that a detained child is practically in solitary confinement. We don't believe the solution lies in further construction of large maximum security juvenile detention centers. Most of these communities could do the job with small residential-type facilities and more discriminating detention policies.

The Supreme Court Gault decision is commonly understood to have established the child's right to be represented in court by counsel. However, we find that in a number of communities children appear in court without a lawyer. One judge told us that while 75 percent of the children who appeared in his court weren't represented, the figure in surrounding counties was about 10 percent. We find judges suggesting the child waive his right to counsel; some say they provide counsel 'if the child asks for it." We doubt that a child is competent to make this decision. Of course, the problem of providing adequate counsel to indigent children is further complicated by the restrictive neghborhood legal services programs.

A further matter of concern is the transfer of children from juvenile to adult criminal courts. As we oppose juvenile courts eagerly assuming the responsibilities of schools and parents, so do we oppose those courts which with equal willingness give up what we believe are their appropriate duties.

If a child is removed from his home and community it is theoretically to provide him with a level of care and treatment which he did not otherwise receive, but if he is having problems with the family—the most common crime children commit—the chances are quite good that his training school will be inaccessible to his parents and at least as good that no counseling will be provided the family to pave the way for his return. For older children who are not likely to return to school upon release, vocational training is inadequate. The child with emotional problems will find therapeutic services limited. Despite acknowledged widespread addiction, narcotics programs are rare, although in some instances 20 or 30 percent of the children may be officially on prescribed drugs to make management easier.

Children requiring intensive mental health services have additional difficulties. Hospitals, unaccustomed or unwilling to accept disruptive children turn them back to the correction facility as quickly as possible. Indeed, we feel all procedures which shuttle children back and forth in this manner deserve scrutiny.

Other procedures we have found within the institutional system which concern us include the use of solitary confinement (even if it is called "meditation room" or "intensive treatment unit,") the transfer to more secure facilities without hearings, censorship of mail, etc.

Ombudsmen programs may provide one solution but these are still experimental and their progress should be followed.

As for children's arrest and court records, it seems general practice that they are officially confidential but unofficially accessible. We have been told of their availability to colleges, prospective employers and the armed forces. They are not only subject to local misuse, but to the extent they become part of a national records system, the problem increases. The need for adequate assurance of confidentiality and expungement procedures is clear. Furthermore, police records on juveniles may group serious criminal offenses leading to arrest with minor street encounters leading to no further action. Thus the fact that a child "has a police record" tells us less than it implies. We think safeguards are needed in relation to: what merit inscription, what kind of notice parents receive of such inscription, and what opportunity is provided to answer allegations which otherwise may repose for years unchallenged in police files. Because of our special concerns about juvenile records, we strongly urge that their inclusion in the national criminal data bank be prohibited.

GROUP HOMES

The inappropriate use of detention and training school facilities is due not only to the laws but to the alternatives. We have seen children in detention for weeks and months because they had "inadequate homes or no place to go." Police have told us of the need for temporary housing for youngsters having problems at home, "sometimes we have no one else to call except a family they are already in trouble with." An administrator spoke about the girls in one institution, "Some are erroneously placed here because no other facility exists. This includes some whose primary problem is a bad family situation or pregnancy."

The need for group homes, particularly for teenagers, is almost universal. Children whose personal or family problems are at the crisis point are not criminals and should not be deported from their communities. They do not need institutions; they are frequently harmed by institutions. They just need a different place to live for a few days or perhaps a couple of months.

Communities must be helped to understand these children's needs so that characterized these facilities as "contributing to the delinquency of a minor." they can accept them as "neighbors." The provisions of such non-punitive facilities for runaways has been threatened in some areas by opponents who Obviously an intensive effort is necessary to provide a receptive climate.

Group home programs should also make appropriate services available to both the children and the families during the period of separation. We urge federal leadership not only in funding to encourage the establishment of group homes but in setting standards for their operation.

JUSTICE FOR CHILDREN COALITIONS FOR ACTION

Obviously both children's rights and group homes require community support and cooperation if they are to be established. There is much that interested and concerned groups working together can accomplish to provide justice for children. Such coalitions could:

Monitor the implementation of existing legislation in their communities and encourage passage of better laws where necessary.

Insure that children have available to them the health, guidance, family counseling, educational and employment services they need.

Coordinate and expand the delivery of these services to provide a prompt and effective alternative to channelling problems into the judicial system.

Few communities provide adequate service systems now. Such services as exist are frequently scattered uncoordinated and understaffed. The problem is being compounded as some federally-financed programs are cut and the battle for revenue sharing funds must be waged if they are to survive.

We have been told in one state "the sad fact is that many of our children in need of social services must actually be arrested before any attempt is made to deal with their needs."

Several coalitions have already been formed in cities around the country. They are already providing a constituency for change and demonstrate a community concern that should be represented in the state planning agencies. We hope that you will mandate that the states include such representation as you are already planning at the federal level.

On the basis of our findings, as well as our past experience with revenue-sharing, we strongly support direct grants rather than block grants. Although the bill before you would set percentage guidelines for the states' use of the funds, we wonder whether this is an adequate safeguard against the funds' being allocated to the most politically powerful who receive the allocation rather than those who are in the greatest ned. Federal leadership is also imperative in order to encourage and maintain standards without which no quality program can be achieved.

While it is true that the legislation before you provides for some funds to promote Special Emphasis Prevention and Treatment programs, we feel that the entire program should be administered as a direct grant program.

At a time when new approaches to the problems of juveniles are being proposed, we are pleased that the bill before you stresses research, evaluation, training, technical assistance, and informational services.

The role of research and evaluation is most important, particularly in light of the shift toward community-based diversionary systems. The effectiveness of innovations can be judged only if periodic objective service is provided.

Provisions for long-term funding are vital if the goal is an improved system, not innovation for innovation's sake.

If a truly effective program of justice for children is to be achieved, adequate funds must be provided. It will require the full amount authorized in this bill, and we urge that the funds not be reduced.

If we care about our children, and if we care about justice, it is time to prove it.

We urge your Committee to report the legislation favorably without delay.

STATEMENT OF HON. TOM RAILSBACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

NEED FOR A JUVENILE JUSTICE INSTITUTE

Mr. Chairman, Members of the Subcommittee, Thank you for this opportunity to express my thoughts on H. R. 6265, your juvenile justice bill. I know you have all worked very hard in hammering out a good piece of legislation, and I commend you for your efforts. The need for a comprehensive approach to juvenile delinquency and crime is clear, and I am encouraged you are holding these hearings.

Today, I would like to urge you to consider including in H.R. 6265 language that would set up an independent Institute for Continuing Studies of Juvenile Justice. I feel very strongly about the need for such an Institute, and have in fact introduced by own bill, H.R. 45, to accomplish just this goal.

However, realizing that your Subcommittee is also committed to solving our juvenile delinquency and crime problem, I think it would be beneficial if all of us concerned work closely together in developing legislation that can be enacted yet this year. While my bill has been referred to the House Judiciary Committee and then to the Subcommittee on which I serve as the ranking minority member, I have no objections and would even encourage your incorporating H.R. 45 into the bill you will be reporting to the full Education and Labor Committee. The issue simply cannot be reduced to which Committee considers the proposal. Instead, it must be how we can work together to solve our juvenile delinquency and crime problem.

Briefly stated, my bill creates an independent Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the highly successful F.B.I. Academy; Second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and Third, to prepare studies of Juvenile justice including comparisons and analyses of State and Federal laws and such model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The Institute would be under the supervision of a director appointed by the President. Overall policy and operation would be set by the director and his advisory commission composed of members of appropriate Federal agencies and experts from the private sector concerned with juvenile justice. I might just add at this time that my experiences as a member of the House Judiciary Subcommittee which studies prison reform have convinced me of the need to include the Director of the Bureau of Prisons on this Commission.

The training program which the Institute would operate is a matter of the highest priority. One of our greatest current problems is the lack of adequate training of those individuals whose function is to deal with young people who have run afoul of the law. The American Parents Committee questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts. Judge Everett West of Fowler, Indiana, in discussing H.R. 45, said: "I think this is the greatest opportunity to give . . . judges . . . and efficient method to train probation officers."

The General Federation of Women's Clubs has also recommended the training of more judges skilled in handling juvenile court cases, and the training of more, better qualified professionals for detention set-ups. And I would hope prosecuting attorneys would also be included as beneficiaries of the training.

Another serious problem, which you are all undoubtedly familiar with, in our present juvenile justice system is the fragmentation of Federal and State agencies and programs dealing with juvenile offenders, and the lack of coordination among them. An Institute could provide a center to coordinate and gather information on the various programs. Judge James Gulotta of the National Council of Juvenile Court Judges put the problem this way:

"Historically, there has been lack of organization among the states in the areas of coordinated research, planning, communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information, or lacked—or even completely misunderstood—the resources and knowledge available to only a few."

Thomas Pinnock for the Department of Institutions for the State of Washington has called for a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of information to those directly involved with the problems of youth. An Institute on Juvenile Justice would provide just that clearinghouse.

Finally, the Institute as envisioned in my bill is also directed to study the various statutory provisions, model laws and codes, and make appropriate recommendations. This research function holds much promise for steps to be taken to clear the existing confusion and provide a uniformity in our juvenile justice system that is sorely needed. The American Bar Association has achieved striking results with a similar approach.

Support for the Juvenile Justice Institute has been gratifying. In the 92nd Congress, over 100 House Members joined Congressman Biester and myself in introducing H.R. 45, and we were successful in getting the bill through the House. On the Senate side, Senators Percy and Bayh led at least 20 other Senators in sponsoring the companion bill, and the legislation was reported favorably from the Senate Juvenile Delinquency Subcommittee. This year the bills have been reintroduced, and S. 821, Senator Bayh's comprehensive juvenile justice bill, included much of the H.R. 45 language. Unfortunately, however, in that bill, the Institute does not retain it's independence, which I think is vitally important.

You may also be interested to know that H.R. 45 has been endorsed by some of the best known authorities on the subject of delinquency in the country—including the American Bar Association, the National Council on Crime and Delinquency, the National Council of Juvenile Court Judges, the American Parents Committee, and the P.T.A. Further support has come from concerned individuals.

Since our current system needs many changes—in the areas of training, information, and research, I do hope we can pass corrective legislation this year.

Quite obviously, you know the need—you know the large number of juveniles who run afoul of the law each day, and the inability of our system to deal with them. Let me just take a moment to discuss a few trends which I find especially disturbing.

First, more young women are now entering criminal ranks. In 1972, we know that arrests for young females under 18 rose more than twice as rapidly as arrests for males of the same age.

There is also an increasing frequency of senseless, violent crimes committed by young teenagers—up nearly 200% in the past decade.

Finally, young people continue to be responsible for a disproportionate percentage of crimes committed. While children between the ages of 10 and 17 constitute only 1/6 of our total population, they are responsible for 50% of all criminal arrests.

The real tragedy, however, is the recidivism of young offenders. As a member of the House Judiciary Subcommittee on Prison Reform, I have visited several prisons. From what I have seen and heard, I am convinced that too often imprisonment only provides the opportunity for young people to become more hardened criminals. In fact, at least 3 out of 4 of first-time young offenders who go to prison will return within 5 years. Frankly, our entire juvenile justice system could be indicted on that fact alone!

Mr. Chairman, Members of the Subcommittee, it is clear we must act, and we must act immediately. With a concentrated effort by all of us, I feel confident we will witness effective legislation being enacted yet this Congress, and we can then begin to solve the problem of juvenile crime—with its tragic waste of young lives and national squandering of resources. Enactment of a bill which includes an Institute on Juvenile Justice would be a dramatic and meaningful step, and I hope you will give this suggestion every consideration.

Our juvenile offenders have the potential to become either tomorrow's law-abiding citizens or tomorrow's costly liability caught in the revolving door of recidivism. It is up to all of us to see that our juvenile offenders take that first option—to become tomorrow's law-abiding citizens. I look forward to continue working with all of you to accomplish just that!

Thank you.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

WEDNESDAY, MAY 1, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2257, Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee) presiding.

Present: Representative Hawkins.

Staff members present: Lloyd A. Johnson, staff director; and Martin LaVor, minority legislative associate.

Mr. Hawkins. The Subcommittee on Equal Opportunities of the Education and Labor Committee is called to order.

We have several members who are due to arrive but have been detained. May I explain to the audience who may be somewhat surprised these hearings are not well attended, that today the Democratic Members are having a caucus on reorganization of the House and obviously the Members are vitally interested in that subject and concerned about his or her future in the House For that reason we find it very difficult to get some of the Members in today.

The Republicans are also having a caucus. I am not privileged to know what their meeting is about.

Today's hearing on H.R. 6265, the Juvenile Justice and Delinquency Prevention Act, as well as related legislation, is a continuation of hearings which this subcommittee held in Los Angeles on March 29, and here in Washington on April 24.

We need no further proof of the urgent need for reform in this area than the knowledge that almost one-half of the serious crimes in this Nation are committed by youth under the age of 18 years. Some suggest that the *actual* crime rate, in contrast to *reported* crimes, may be as much as five times that figure.

Many of these youth have already been irreversibly scarred by the time they come to the attention of the juvenile justice system. Thus, any meaningful approach to the problem of juvenile delinquency must address its preventive aspects.

My bill, which I privileged to cosponsor with my distinguished colleague from Kentucky, the Honorable Carl D. Perkins, would provide massive Federal assistance for diversionary and preventive programs in this field.

It would stress innovation, treatment of youngsters and their families within their own communities, coordination, training and technical assistance through a categorical formula grant approach. We know that less than three percent of revenue sharing monies are utilized for human services and that there is no mention of children or youth in its listing of priorities.

Last week we received testimony from the Honorable Birch Bayh, who sponsored comparable legislation in the Senate; the Honorable Stanley B. Thomas, Assistant Secretary for Human Development in the Department of Health, Education and Welfare; also the National Association of Social Workers, each has played a significant role in the development of youth-servicing legislation.

Today's witnesses share this concern, but from a different perspective—they are on the firing line of the actual operations of youth-servicing programs. Congressman Claude Pepper of Florida is unable to be with us today, as originally scheduled, due to other pressing business within the House of Representatives. He will join us on May 8th.

Our first witness is Mr. T. George Silcott, executive director of the Wiltwyck School for boys in Yorktown Heights, N.Y. I am informed that Mr. Silcott was one of the first professionals in this Nation to direct a community facility for troubled youngsters, and since his association with the Wiltwyck School they have made major strides in servicing youth within their own communities.

He is accompanied by a former participant in the program, Mr. James Weich.

At this time I am very pleased to welcome Mr. Silcott as our first witness and also Mr. Welch. If you will, kindly be seated at our witness table.

We do have a prepared statement from you, which will be put into the record in its entirety at this point, and you may proceed to address yourself to the committee as you desire.

[The prepared statement follows:]

TESTIMONY PRESENTED BY T. GEORGE SILCOTT, EXECUTIVE DIRECTOR, THE WILTWYCK SCHOOL

INTRODUCTION

I am pleased to have an opportunity to present testimony at this hearing, not only because it involves issues in which Wiltwyck has been deeply involved over the years, but because there is the chance that what goes on here may be translated into legislative action that will improve services to the children and families of the inner city. Thank you for the opportunity to present this statement.

The Comprehensive Juvenile Delinquency Prevention and Treatment Act (H.R. 6265) has been designed to "provide a comprehensive, coordinated approach to the problems of juvenile delinquency." While the general thrust and purpose of H.R. 6265 is indeed moving in the direction of a meaningful programmatic response to the shortcomings of the juvenile justice system as it now operates, the avenues that are required to bring about meaningful change go far beyond the narrow impact of this legislation. To truly effect the changes that are necessary, we must not approach this drastic turn-around from the narrow vantage point of those youngsters who already have been failed by the system. Rather, we must be concerned with the broad-based community services that involve all of the critical delivery systems for youth and their families. Furthermore, if all basic community services that require change are viewed only through the prism of preventive services, we orient programs to be reparative rather than to foster growth. We are in effect, operating on the principle that youngsters and their families need help, and without it they will inevitably fail and end up in the juvenile justice, welfare, or mental health dysfunctioning population. And if we remain in this stance, the preventive programs continue to focus on categories of dysfunctioning youth and their families and never get reinstitutionalized into programs geared for growth. The philosophy, attitude and purpose of the programs we are advocating and developing attempt to address and exploit the competence of youth, their families and their communities and, from that vantage point, cope with dysfunction when and how it appears.

If we remain fixed on trying to solve the problems at issue in terms of whether any single agency should be designated as being responsible for juvenile delinquency programs (for instance, in New York State, whether it be the State Division of Youth, or the State Board of Social Welfare, or the State Department of Mental Hygiene, or a newly designated agency), we are already locking ourselves into a system that truncates appropriate service delivery systems at the point of a legal finding or definition of juvenile delinquency; and we address piecemeal services to a population that becomes dysfunctionally categorized and characterized by the inadequacies, irrelevancies and failures of the currently operating human service delivery systems. When programs are geared to meet the needs of a circumscribed delinquent juvenile population, we continue to compound our unresponsiveness to the real tasks at hand. When we merely attempt to redefine the focus of rehabilitative preventive programs for juvenile delinquents, we are tacitly accepting the inadequacies of all the other delivery systems (education, health, welfare, housing, employment opportunities)—in short, the current system. We are also, by omission, continuing to support the ongoing funded system of juvenile justice despite its "devastating failings" which include the state training schools and the residential treatment child-caring institutions.

For example, while we are considering the need to develop a new approach to the problem of juvenile delinquency, the courts, still called upon to deal with the problems of these youngsters, would be faced with the reality that services are not available in their communities to meet their needs. This situation, in practical terms, could lead to a reinforcement of the present "placement" system. And it is the present "placement" system that must be re-examined and re-assessed.

Clearly, when we address the issues at hand, we are, in fact, responding from a specific ideological view, albeit legislative at this point, to the basic fabric of our society. It is no accident that delinquency, neglect, and other definitions of social pathology are found in high proportions in neighborhoods where there is also an accompanying high level of infant mortality, poor educational achievement, low income, inadequate health services and the absence of viable social institutions that can provide the programs and resources for helping families cope with the day-to-day task of surviving in an urban environment.

Middle-class communities and middle-class people are able to develop and make use of resources to enhance their survival and consequently do not appear as significant statistics in identifying social pathological behavior.

It seems to me that we really know a great deal about what needs to be done to deal with the problems of our modern urban society. We know that our educational system is failing. We know that our public welfare system metes out grants that are inadequate and abusive. We know that child welfare agencies have functioned with an uneven level of success and have given little of their effort towards developing direct services in urban ghetto communities. And we know that government and, yes, our society in general, has not demonstrated a commitment to a decent life and a fair chance of survival for all of its constituents. I suggest that the court that adjudicates juvenile delinquent cases can be described as being a "court of last resort" for coping with the unaddressed problems of urban ghetto youth and their families. I further suggest that this indeed can be turned into a "court of primary resort" if it can join with the executive and legislative branches in effectively reversing and reordering priorities to establish sorely needed *comprehensive community-based* service programs.

Clearly, unless we reorder our priorities, we will be meeting at our next legislative session addressing ourselves to readjusting an unresponsive system, whether our focus be the juvenile delinquent, the mentally retarded, the emotionally disturbed, the physically handicapped, the neglected youngster, or the abused child.

COMMUNITY-BASED SERVICE PROGRAMS

Let us explore the service alternatives and underlying premises that should be encompassed in a comprehensive, community-based, inner-city service system.

Whatever the child care model may be, it has to be *family-centered* rather than *child-centered*. It must be a family model that mirrors the multiple options that organically grow out of the Black, Puerto Rican, Chicano or poor White family structure. All institutional systems must be programmed to build upon the continuity and integrity of service delivery that accentuates family and community strength rather than, as is now the almost universal rule, separating—in effect, *punishing*—the dysfunctional family in its time of crisis.

Today, when one speaks of providing services for children, the automatic assumption is that the youngsters go to where the services are located—be it a foster family, a group residence, or a child-caring institution.

The concept of a community-based child care model turns this around. It addresses itself to the development of mechanisms and resources that bring the rehabilitative services into the youngster's family's own home. It utilizes latent manpower from the extended family and the community proper. It builds in, wherever indicated, the competence required for the community and family themselves so they can carry the fostering responsibility for their own members.

The difference between what exists and what must be developed can be seen in a description of the process involved. Today, the youngster in the inner-city comes to the attention of the school attendance officer, the youth division of the local police precinct, the court. To begin with, his/her parents, along with others in the family and community, are antagonistic to these institutional personnel. Yet, they know that the critical decisions concerning themselves and their children are in the hands of these very antagonists.

The youngster is routed through the juvenile justice system to the point where the Commissioner of Social Services or another public agent is empowered to act "in loco parentis." This official calls upon private and public child-caring agencies to accept the youngster and to develop an appropriate treatment plan. In practice this usually means that the private sector accepts the less troublesome problemed youngster while the most difficult children are left to the public sector for disposition. In either case, however, the youngster is effectively removed from family and community.

The community-based child care model works very differently. The services offered to child and family are in the community to begin with. The Police Youth Division is working in partnership with community youth. Service systems are in operation to maintain the child within his family at points of stress or in programs that retain the youngster in the community with ongoing contact with siblings and family. Should further court or public action be indicated, warranting the assumption by a governmental agency of an "in loco parentis" role, these service personnel are with the youngster and the family throughout the process. Options are sought that include the critical thinking and exploration of the child and family, along with that of the "professionals." Family, community, and agency personnel, in essence, are functioning together as ongoing ombudsmen and advocates. Should short-term stays away from home and community still be indicated for specialized care, the community team or integrated service staffs ensure ongoing two-way family and community continuity. Re-entry programming then becomes an integral part of the youngster's stay while he/she is away from home—as opposed to the current practice of isolating the youngster in placement.

In short, preventive and interventive strategies can be developed that will underscore the rights and prerogatives of children and parents rather than nurturing their feelings of impotence and frustration.

When family problems are beyond the coping and solving abilities of the family itself, the program options must be community-based. Neighborhood foster homes must be available, when required, rather than foster homes in the hinterland; short-term community-based residences, not centrally located city shelters, must serve as "crash pads" for youngsters in crisis; agencies must provide specifically trained family-oriented homemaker/organizers to work in the homes of troubled families to keep them intact rather than resorting to the route of institutional placement.

When we truly have a comprehensive grid of community-based services which include a variety of residential options that are ancillary to in-own-home preventive and rehabilitative services, then the juvenile justice delivery systems won't be faced with the massive need that we have today of preventing placement. Juvenile justice diversion programs will in essence be a moot subject. The entire after-care system will not be rooted in futility or in community opposition. "Not on my street," the cry against children who are perceived as "foreign" or "alien" to the community, will not be heard. The youngsters, in an organic sense, have not left their community. Their community/family has been working with them for their return home—if, indeed, they have to leave at all.

It is important to recognize that community-based programs are as relevant to the needs of other categories of dysfunctioning youngsters as they are to the category with which your committee is concerned today. It would be essential, I believe, in our tax-conscious society, to do a financial comparison between the cost of all of the currently operating non-community-based custodial or child-caring systems that are so blatantly ineffective but which purport to serve the needs of the youngsters in their care—to the cost of a broad-based system that reflects a child care model of community-based services and facilities.

WILTWYCK COMMUNITY PROGRAMS

What I have been describing is not just a series of theoretical concepts or well-meaning suppositions, but represents the backdrop against which The Wiltwyck School, of which I am Executive Director, has been developing its child care program.

At Wiltwyck we have been addressing ourselves to many of the challenges I have touched upon. Wiltwyck was created some 37 years ago as upstate residential treatment center in order to provide service to the Black, Protestant, court-related child for whom there were no programs other than the state training schools. Through the years, in an effort to respond to the needs of the youngsters and families it serves, Wiltwyck changed and expanded its services, developing foster homes, family therapy, and halfway house programs.

Four years ago, we began a systematic re-evaluation on many levels of our program purposes and goals—involving our Board, our staff, our parent constituency and even our youngsters. Our wish to be more responsive to the needs of our population led to a decision to develop a visible service presence in the three major areas of the city in which th majority of our children live—Harlem, Bedford-Stuyvestant and the South Bronx.

As our community program developed, specific needs revealed themselves with varying degres of urgency. With differing constraints and opportunities in each area, these needs were translated into a variety of program components, including: neighborhood-based group homes; an outpatient clinic in Harlem; a Bronx storefront offering counseling, a housing clinic, a food co-op, recreation and tutoring services to neighborhood youngsters and families. In the Bedford-Stuyvesant section of Brooklyn, a Storefront and a Day Center offer Information and Referral Services for community residents, and specialized educational, vocational, recreational and counseling programs for neighborhood bays and girls. In addition, a Homemaker/Organizer Program has been established in Brooklyn, staffed by specially recruited and trained neighborhood residents. These homemakers, who work with families during crises, or in the everyday tasks of home management, enable us to serve the child who might otherwise have been placed. And the family, instead of being torn apart, can now, in many cases, remain intact.

I don't mean to imply that these programs have produced answers to all of the difficult problems that beset our client population; but we are convinced that we are moving in the right direction—the only direction, in fact, that gives promise of developing meaningful, viable, long-lasing alternatives to the problems and pathologies of urban ghetto life.

CAPITALIZING ON SUCCESSFUL DEMONSTRATION PROGRAMS

While I have, thus far, avoided reacting to the specifics of H.R. 6265, I feel at this point, that a reference to its intent is in order. The federal government has supported many demonstration projects that have specifically addressed the issue at hand. HEW has correctly insisted that impartial evaluation be an integral part of each such demonstration program package. In addition, has mandated that demonstration programs be limited to three years, which, in the case of certain program designs, is sufficient to demonstrate their potential for success.

I would suggest that for those innovative programs that have strongly indicated their success potential, ways must now be found to have them incorporated into viably sustained programs under the revenue-sharing format. Perhaps such programs could be included in guidelines to the various state governments as models of the kind of programs that H.R. 6265 has under serious consideration. Unless something is done to have these programs, and to build upon their achievements, "innovation" is little more than a word, and the creation of demonstration projects merely an empty gasture.

As a case in point, I wish to briefly share with you one of our experiences. Wiltwyck's community-based program in Bedford-Stuyvesant was supported in part by HEW funds. While the funding constraints prevented the inclusion of all the program components we felt to be essential, we were able to demonstrate viable service alternatives to the traditional juvenile justice ssytem. One specific component developed with HEW funds was the homemaker/organizer program, mentioned earlier, which proved to be an unusually successful alternative for families and youngsters in crisis. It is now going begging for funds because no-long term public funding system is specifically geared to incorporate it on an ongoing basis.

While the homemaker/organizer program is a case where a successful direct service system was developed and implemented in a one-year period, other critically important components require more than one year to put into operation. For instance, our active community presence through a longer period of time, made possible by HEW funding, enabled us to initiate systematic changes which required the involvement of other community-based agencies. On our initiative, this group of agencies has recently begun to develop a youth services system for the Bedford-Stuyvesant area.

This is a first step in coordinating services, identifying gaps in service, and jointly with community representatives, developing community-based programs to fill the gaps. HEW has thus played a major part in enabling us to develop a community-based program for the court-related adolescent which is a viable alternative to the current youth shelter system in New York City—a system which, as we know, is completely unresponsive to the real needs of the adolescent population. But, as I stated, this is only a first step. Much remains to be done. I could go into more detail about this and other programs; but suffice it to say that with HEW's funding ending in August 1974, the core of our Bedford-Stuyvesant operation is in danger of dissolution. Unless some regular system of funding underwrites the program, all these gains and hopes for change will remain unrealized. And of even greater importance, the already achieved momentum that is the yeast for change is aborted. The ongoing funding patterns that support the current dysfunctional juvenile justice system operate differently. These funds are continued from year to year and the unresponsive system is supported through sheer legislative and bureaucratic inertia.

CONCLUSION

A broad-based community service system that includes a residential capability relevant to the needs of inner-city youngsters is the sine qua non for a successful preventative and rehabilitative program for the court-related youngster. When a judge or a policeman or a caseworker can choose from among the kinds of service options we have described—options that help retain family ties and that build on latent family/community strengths—the basic problem of finding more effective ways to deal with "juvenile delinquency" takes on a different meaning. A judge who has to make a decision regarding a delinquent who comes from a multi-problemed, disorganized household can feel, finally, that he has some constructive alternatives from which to choose if, among his options, are: 1) using a specially trained, community-recruited homemaker/organizer who will work directly with the family and youngster in his own home, 2) a neighborhood-based group home with crash pad facilities where the youngster can be worked with on his own ground, 3) a well-supervised neighborhood foster home pool that would be available for use by a youngster for short, circumscribed periods of time to help him through a critical period when the home pressures need to be neutralized, 4) a neighborhood day center that is staffed and programmed to be used as a stepping-stone to the reintroduction of the chronically truant youngster to the regular public school system, rather than referral of that youngster to XYZ agency out of the neighborhood—and more usually out of the city. What a difference when you can dispense "justice" that is tailor-made to *need* rather than to existing facilities!

Additionally, it must be recognized that the streetwise youngster who is brought to court on a delinquent charge is just the tip of the iceberg of perhaps thousands of city youngsters who are living in the streets and are eluding contact with law enforcement personnel. This hidden street population doesn't show up in our vital statistics. When viewed in this context, the need for preventive programs takes on greater urgency and significance.

It seems to me that it is far more important to deal with the issue of developing a wide range of services for this group of children and their families than to continue to debate the programmaic merits of this or that isolated, segmentalized program for youngsters adjudicated as juvenile delinquents.

The absence of community-based services in urban ghettos forces the Black, Puerto Rican, Chicano or poor White family to use the offices of the court to help negotiate the obtaining of adequate services. Judges, unwilling though many of them are to do so, are forced to shunt children who appear before them away from the community by placing them with voluntary agencies or in training schools. The public and private agencies that serve this type of system tend to perpetuate it and keep diverting attention, past rhetoric, from the needed reordering of priorities. The "placement" system, of necessity, is oriented to serve—or misserve—the individual child away from family and away from community. A comprehensive community-based child care service system, by its very nature, deals with a child as an integral member of a family. It underscores and builds upon an evolving neighborhood ability and responsibility to adequately care for itself by maximizing its latent strengths. *We must "institutionalize" with sufficient tax dollars the underwriting of relevant community-based preventative and rehabilitative service programs.*

If the preparation, administration and implementation of the program plan is to be delegated to a single governmental body, it should be a state-wide child *advocacy* body, geared not to "placement" but rather to the integration and coordination of the many fragmented programs. It should be vested with firm advocacy responsibilities and authority that include the wherewithal and mandate to set up and to sustain community-based service programs. The federal government must take the initiative in this matter. An active federal child advocacy council must intrude itself on all levels of federal activity with a broad mandate to influence the reordering of priorities on a federal level. In addition, it must assume the task of monitoring the reievant state and local programs to ensure that the federal intention is carried out not only by pointing out the shortcomings of various programs but by publicizing those that are effectively carrying out their stated intentions.

Only if we turn the system around, then, and begin to deal not with the narrow perimeters of present possibilities, but with the broader view of creating relevant, viable, community-based service options, can we begin to provide meaningful answers to the questions of this legislative hearing. That is the only context in which we can make policy decisions concerning the development and ongoing support of programs that truly address the problems of troubled youth and their families.

STATEMENT OF T. GEORGE SILCOTT, EXECUTIVE DIRECTOR, THE WILTWYCK SCHOOL FOR BOYS, YORKTOWN HEIGHTS, N.Y.; ACCOMPANIED BY JAMES WELCH, FORMER PROGRAM PARTICIPANT

Mr. HAWKINS. Mr. Silcott, I understand in some way you and the staff director of this committee, Mr. Johnson, have been associated in some past endeavors.

Mr. SILCOTT. Yes. I directed an experimental project set up by the Department of Justice and contracted by Springfield College, on whose faculty I served. We serviced the first half-way house for inmates returning to the community in New York City.

That was an experimental project that began to lay the groundwork and indeed provided the wisdom as to a way of successful reentry into their communities.

At that time the Wiltwyck School for Boys had been experimenting with a half-way house program known as Patterson House. That is indicative of the kind of pioneering the Wiltwyck School has been doing.

I am pleased to be here this morning and to make some comments in relation to the testimony I have provided and hopefully the Committee will read and enter into the record.

Let me say, we start with the basic concern that there do not presently exist adequate community-based services for troubled youngsters. When children have problems, problems of adjustment, and when families try to wrestle with the youngsters and find they need help, there are no resources to provide that help.

What tends to happen is that the problems get so exacerbated that the parents turn to the courts as a place of last resort to get assistance. This kind of assistance usually comes as a result of acts, delinquent acts, recalcitrant behavior or chilren out of school.

Eventually, the child and his family are at greater odds and the child begins to commit acts delinquent in their nature.

We feel it is indeed a mistake to invest all our resources into residential treatment centers, State training schools and hospitals that are divorced from the interaction of communities and do very little in terms of helping children and families cope with problems that eventually they must cope with when the child returns to his community, or indeed while the rest of the family is still there trying to cope.

We believe there needs to be a shifting of funds more directly to programs directed in communities. We think an attempt to build centers where children and families coping with problems can seek help is the direction in which funds should flow.

We also feel the process of making services available to children should go beyond the present pattern—providing significant amounts of monies, in some instances up to $12,000 to $15,000 a year per child, and providing little or no monies when the children return back to their communities. The further a child is removed from his community, the larger the source and amount of funds available. The closer the child to the community, the smaller the funds available. This kind of departure in funding creates the problem we are faced with today.

As an agency, we are one of some 77 in New York City that participate in the child welfare program and service 28,000 children, who have been struggling to try to develop a program that begins to wrestle with problems in the community.

We think some of the efforts we have made through special day-care services, special family intervention programs and indeed programs that begin to get the community and our agency to look at and struggle with the problems we are having, have proved successful, have indeed kept families together and made it possible for children to learn when they are out of school.

In terms of the less costly aspects, we can work effectively with a child in the day center program for something in the vicinity of

$3,000 a year, whereas, for a child who goes into one of our residences it costs about $12,000.

If we recognize that for many children who go into placement that is not a decision by choice, then the economics should force us to look at what would be the preferred program as opposed to what one is forced to rely on because only certain types of programs exist.

In our homemakers programs, a number of families have worked successfully with these families, some with four or five children in the families. These families were on the verge of breaking up but have been kept together. And indeed, if you place, $12,000 per child for four or five children, the amount is rather large. Yet we say, beyond the economic factors, we believe that choice was the preferred choice of treatment for that particular family and for those children.

What I am suggesting is that there exist some institutional concepts which define the kind of services available to children and their families and they do not always operate from the vantage point of the child and the family.

In New York City, our programs provide residential care and foster care for children but not broad-based programs in neighborhoods for families which have problems. It becomes impossible to divert funds for this purpose.

I suggest that one of the areas of serious consideration that hopefully this legislation will address is a need to set standards and levels that can cut across institutional interests that are concerned with viability which may be out of concert with the needs of the children and families that this legislation is designed to serve.

Another issue comes out of our present experience. With new needs for service, we are a diversionary project of HEW, as a means of diverting children from delinquency. In terms of providing services to families and the training that we have provided to our staff and new community health workers who have come out of the neighborhoods we serve, this is practically lost as we face a year when our grants will come to a conclusion.

The problem as we see it is, that while we can see success and while there is general agreement these programs are successful, there is no way of providing viable funding. We think along with the commitment to experiment with new modes of treatment there has to be a commitment to make viable those programs that operate. We think there ought to be a line of funding plus some very, very significant influence to make it possible to continue on some more permanent basis than is presently possible.

I think it is a mistake to say to an organization that it moves in an area and they have to find a way to make that program viable. We know the private system is not easy. There ought to be a basic general funding mechanism.

What needs to happen is some significant influence over the public funding mechanism to make possible a viable continuation of programs succeeding in dealing with the problems they are sent out to handle.

In conclusion, I will be happy to respond to question you have, sir. We would say it is important in the process of thinking about juvenile delinquency and developing programs to meet the issues that are raised through the delinquent's acts to talk about the need for sufficient tax dollars that will underwrite a basic community program that has in it family services, recreational resources, job training and treatment modalities which draw upon the strengths of basic communities. We need to look upon the need to provide after-care services for chilren placed in programs and to make it possible for these services to continue that which has happened while a child has been out of his home.

There needs to be a way for making available funding for continuance of demonstration programs which have proven successful and which address themselves to problems delinquent children and families have.

There needs to be coordination through some national mechanism which ought to have more than just the usual sharing of information. There needs to be some clout in that organization and it should make available programs on a viable basis implementing programs on a local basis.

The interest has to start on a Federal level. It is not sufficient to leave it up to the local agencies to resolve. They have the basic sources of irritation in programing services. Just by definition, viable institutions can be such that they continue to be disserved by virtue of the viability of organizations that may have had a unique purpose when they first started but haven't moved beyond, facing new responsibilities and meeting new needs.

As you know, Mr. Hawkins, I have brought with me a young man who is a graduate of the Wiltwyck School. He was there before I came on the staff and there before we moved to our new campus. I would like to ask James Welch if he would like to make any kind of statement to you and respond to any questions.

Mr. HAWKINS. We will be glad to hear from Mr. Welch.

Mr. WELCH. I had the opportunity of being there some 2½ to 3 years. During the time I was placed there, I did not have any family to turn to. I found the school to be of great help in many ways as far as training, recreation, education, meeting people, knowing that somebody cared for you, in a sense. I think the school is a very good school. I am glad to know that it is going on. I was shocked to learn the school was falling because of the lack of funds.

The church I am a member of has set up a community center such as this to help youngsters out on the street. There is a problem with youngsters out on the street who have nobody to identify with. Something like Wiltwyck School is of a great benefit to a lot of children.

That is all I have to say.

Mr. HAWKINS. Mr. Silcott, certainly we are impressed with your statement. I had an opportunity to read it last night and I enjoyed it immensely. I found it to be a real challenge.

In terms of the legislation which is before us, however, I am trying to relate it somehow to various features of the proposal which we have introduced. I don't know whether you have had an opportunity to read or analyze the proposals. Have you had a chance to read through H.R. 6265?

Mr. SILCOTT. Yes.

Mr. HAWKINS. In terms of your statement, and particularly in the second last paragraph on page 8, in which you indicate some of the features which should be included in such a proposal; I have been trying to relate those suggestions to the proposal which we have made in H.R. 6265.

It would seem to me you are suggesting a single State agency, the type of power it should be vested with, the functions it should perform, and so forth.

In what way would you therefore modify or change the proposal now pending before this subcommittee to fit in with the suggestions you have made? Or what present shortcomings are in the proposal, or the Senate proposal, Birch Bayh's bill?

Mr. SILCOTT. The area of improvement I would suggest is developing the State and Federal counterparts which have the responsibility for pulling together the various programs and fundings. There are many agencies that deal with services to children and delinquents. If this group could have authority for the determination as to how these funds are spent and could coordinate by pulling those funds together and have leverage over the new moneys being allocated, I think that would be effective.

What tends to happen with local communities, one is constantly trying to fit a program into varying guidelines of different agencies. What happens on the family level is that the family does the same thing as they try to get services from city agencies that are available. So if a mother has a child with a problem that can be diagnosed as a mental problem, they can find a mental health clinic to deal with that, when really the problem may be the same, it depends on how you slice it or whose definition you use. That kind of shopping, not in the supermarket but through a number of independent grocery stores, presents problems.

What happens when one goes to one store? The problem can be defined as not being within their province. Then you go to the store down the street. It is very frustrating to go from agency to agency to find a way of pulling together a comprehensive program where indeed, if that were put together at the Federal level, one could deal with the problem.

The other problem is making viable programs that work. We are not always clear as to what our levels of success are.

The continuation of those programs that work becomes difficult because most legislation talks about some funding at the local level, and there is no way I have seen most programs having that continued. So I think some influence of Federal funds over the State is a second important part of the responsibility or areas of consideration for the central coordinating body.

Mr. HAWKINS. Is it my understanding you have been funded by HEW as a demonstration program and that funding will terminate in August of this year?

Mr. SILCOTT. Yes.

Mr. HAWKINS. Have you received any type of a rating from the Department of HEW that the program you have operated as a demonstration program has been successful?

Mr. Silcott. We have been part of an internal evaluation funded by another agency and conducted by an outside research firm which has indicated positive aspects of the program. It was influential of the continued funding of this program by HEW and a number of other State organizations.

We feel, as I think the people in HEW that we have talked with, that the legislation does call for a 3-year period of funding, a youth development delinquency agency within HEW.

Mr. Hawkins. Are you familiar with the bill now being sponsored by the administration to continue research and demonstration moneys? Would that bill be of any assistance to an agency such as yours?

Mr. Silcott. On short sight it might be of assistance in terminating—continuing the program. I think in the long range it would probably not be helpful.

Mr. Hawkins. Would you be continued merely as a demonstration program again?

Mr. Silcott. Probably.

Mr. Hawkins. If your demonstration has proved successful, do you feel that the time has now arrived when long-range funding would be desirable so you would be able to plan ahead and not be continued on a partial basis without any definite commitment that what you are doing will have viability in terms of being funded?

Mr. Silcott. That is my point. We think our community project should move from a grant individually annually funded program to a program that has a different base of funding that continues it on a service program basis. We don't think the administration bill does that.

We think that is the basic problem with the general problem of funding demonstration programs. They do have a defined period of funding and they don't provide for long-term continuation of programs that have succeeded.

We think in part some of it gets shifted to the State and local agency. There is a shift on. It does not really help for HEW to say to local organizations, "This program works, we want you to continue it," when the Federal money coming into the State does not provide any leverage for the programs that are working.

I think New York City might be unique or a good arena for looking at this. We have, as I said, 28,000 children in placement and it costs quite a bit of money to keep children in placement. Yet there are no funds available to pay for children prior to placement in their communities, or indeed after.

Mr. Hawkins. In reading, you say, all proposals fall short of accomplishing what you think should be done. They in effect are still dealing with troubled youth or youth who have in some way been failed by the system, and you feel it is necessary to go beyond that and deal with them as youth and families and communities that are not identified with youth who have already gotten into trouble.

Would you say that is the criticism of all the proposals which are now before the committee?

Mr. Silcott. Yes, I would say, as we have been an agency which have dealt with the casualties of our communities, we find there are many points where one could provide significant services and indeed not have the deterioration continue.

For example, most of the kids we see are kids who have failed in school or the schools have failed them, and we know it is very easy for the schools to take a child who does not fit or has problems out of concert and to suspend, declare truant, or otherwise remove the child from the school. As long as the school has that option, that child is going to be out of the mainstream of the educational institution.

As education is organized in the community, it provides a service to the family by taking care of a child for certain hours of the day. So when that service is removed, the child is put on the street without any kind of service or assistance at all. We have worked with some of those children on the street in a center much more flexible than the average school. It has as its mission to try to return these children to a regular public school.

We have learned a lot of what these children need as to the level of educational input. We would like to see that get translated into some viable program in the public schools so those schools, instead of rejecting them, can encompass them in the day-to-day operation.

Unless there is some leverage in funds going into the local board of education, those schools will continue to operate as they are presently doing, because there is no money which draws their attention to children with special needs. Those programs which deal with children with special problems end up applying for grants to a Federal agency. Yet the institution is still intact, constantly supplying children afflicted with problems.

How many special programs can you continue to turn out, put new labels on them, redefine them, when they are really doing the same job they were doing last year?

State hospitals have the same problem. They will not take aggressive, active kids. They will take a psychotic youngster. The minute a kid is physically aggressive, the child is rejected from that mainstream and is out on the street.

There is no viable funding for working on a day-to-day basis with those children. You can go on and on with each various institution.

The problem remains, I think, one of commitment in providing that kind of basic service so when a family has problems, and indeed family life is fraught with problems today, poor people have less resources for coping with those problems. Where does a family turn?

Well, they don't have anyone to turn to, unless the community is threatened and the child is removed from his environment. Then there are lots of funds available because the problem is removed and they can forget about it.

Mr. HAWKINS. I will ask Dr. LaVor to direct some questions to you.

Dr. LAVOR. I was struck not only by Mr. Silcott's testimony but Mr. Welch's as well. I was thinking back. As a boxing fan I admired Floyd Patterson as a boxer but also as a man and the examples he set. I remember in an interview long ago he credited much of what he had learned about life and how he handled himself as a human being to the Wiltwyck School.

Mr. Welch said about the same things this morning, and that is as much a credit to their program as anything else.

Mr. Silcott, you talked about "shopping at different stores." Where should the Federal "store" be?

Mr. SILCOTT. The agency I think most relevant to our concerns would be HEW. I think Justice already begins to define the problem not in terms of developmental and preventive but in terms of correction and punitive measures.

I think that by putting it in HEW one can link it with a series of efforts as to early child educational services and other areas of service to the aged and to dependent neglected, as well as those who fall in the area of disabled. I think it provides a context which has a more human development quality.

I think Labor is inappropriate in part because of the more narrow definition of human resources than HEW.

Dr. LAVOR. Does the "store"—in quotes—have to control all the dollars or is it sufficient to just have it be a coordinating organization and have the "clout," if you will, to being other forces to bear on the problem?

Mr. SILCOTT. One has to have the greatest amount of flexibility on the local level as is possible. The local departments sometimes might not have visibility to see the dimensions of the problem and move in to correct it, and very often there is a survival of agencies that have long outlived their usefulness.

I don't think one wants to stifle creativity, and indeed we would be stifled as an agency if we had to depend on the strict local programs for funds. Because our charter and the legal umbrellas permit us to be more broad and flexible, we are able to develop community programs and move into the community. So I think there is an advantage for flexibility if there is a provision for expansion.

Where I think one needs to have central control, clout and direction is where it is clear that local communities haven't responded to local problems, and with the infusion of well-directed funding then I think that kind of clout, coordination, imposing of some Federal regulations, is very important.

You need someone at a distance who has to be objective and can move from the self-interest. It is too easy to say, "We don't have the knowledge, experience, don't know how to do it."

Mr. HAWKINS. If Mr. Silcott is going to catch an 11 o'clock plane, I wonder whether or not we have detained you too long this morning.

Mr. Welch, I am sorry we have not been able to ask you questions. We will try to follow this up at some later time.

We certainly appreciate your coming before the subcommittee.

Our next witness, the Interagency Collaboration for Juvenile Justice, represents several national youth servicing organizations—the Boys Clubs of America; the Campfire Girls; the Girls Clubs of America; the National Board of YMCA's; the National Board of the YWCA of America; the National Federation of Settlements and Neighborhood Centers and the National Jewish Welfare Board. Each of these organizations has played a significant role in the delivery of services to the youth of this country within their own communities.

We have a statement from the interagency which will be inserted in the record at this time in its entirety.

[Statement referred to follows:]

STATEMENT OF WILLIAM BRICKER, ON BEHALF OF THE INTERAGENCY COLLABORATION ON JUVENILE JUSTICE

Mr. Chairman, it is our great pleasure to appear today to share with you the views of the Interagency Collaboration on Juvenile Justice on juvenile delinquency and prevention. This testimony is endorsed by the following organizations, several of whom have representatives here today who wish to make additional comments: Boys' Clubs of America, Camp Fire Girls, Girls Club of America, National Board of the YMCAs, National Board of the YWCA of the USA, National Federation of Settlements and Neighborhood Centers and National Jewish Welfare Board.

The combined membership of our voluntary youth organizations in 15 million boys and girls, who are a diverse and broad cross-section of this nation's young people from rural and urban areas, from all income levels and from all ethnic, racial, religious and social backgrounds. We cite this to help you recognize that our organizations represent valuable resources that can be tapped in cooperative ventures with federal leadership and funding. We have the experience of working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

We have the expertise of tens of thousands of full-time professional staff, both men and women, who believe in the importance of their work in youth development, who are particularly committed to the need for diverting children from our outmoded American juvenile justice system.

We have the service of hundreds of thousands of volunteers, men and women dedicated to helping young people grow and develop into contributing citizens in their own right. They are people who realize that this is the only next generation we've got.

We also have the support of hundreds of thousands of concerned business and professional leaders across this country. These people serve on our local and national boards of directors. These are men and women of substance, who genuinely care and actively support programs designed to help the youth of America.

And we have billions of dollars in capital investment in equipment and facilities. Billions of program dollars have been expended by our organizations. But only within the last decade have we fully recognized and begun to focus on the youth who are most troubled and alienated. We have had to broaden our more traditional approaches to begin to include concentrated efforts with those in the greatest need. Through national leadership turning the spotlight on the problems of the poor, we have increasingly used our resources to provide positive program opportunities and environments for a wider spectrum of young people. With the addition of federal leadership, direction and funding, these resources could be multiplied many times over in their effectiveness in reaching girls and boys who most need help.

As voluntary youth-serving organizations, we have recently recognized our mutual ever-deepening anxiety about the issues of juvenile justice and delinquency prevention and have joined together in supporting six elements we believe to be essential for effective government action.

Before discussing those points as they relate to the legislation being considered, we want to call attention once again to abuses and shortcomings in the way organized community systems treat, or fail to treat, youth in need of special supervision and services or youth already adjudged to be "delinquent". Our educational, social welfare, and recreational systems often do not have the resources to work with youth with special needs and thus abandon them to the streets and ultimately to the courts and juvenile correctional settings. We are especially concerned with the fate of those children and youth who do enter the formal juvenile justice system, become labeled, and are sent into the damaging and often ruinous atmosphere of juvenile institutions. There, in most cases, they become ensnared in a prolonged pattern of criminal behavior and outlook.

These young people do grow up, and in so many cases become adult criminals. With increasing delinquency and the growing number of crimes of violence committed by the young, we are deeply concerned about a future of even less security for people on the streets and in their homes. We must break the cycle of crime and delinquency at the earliest point possible. Young girls and boys need positive opportunities for healthy growth and development, and it is through the process of socialization that our work can make the most significant contributions.

We would like to discuss these six elements as they relate to the specific legislation being considered by this Committee, H.R. 6265 and its companion in the Senate, S. 281:

1. A NEW, NATIONAL PROGRAM TO COORDINATE AND GIVE LEADERSHIP TO ALL LEVELS OF DELINQUENCY EFFORTS

Our basic belief is that delinquency prevention and reform of the juvenile justice system are national concerns. To make a dent in these problems requires effective national leadership that will focus attention on the needs of young people. More particularly, to address a problem of this scope, funds must be drawn from the broadest possible tax base—that is, from federal funds. So often, the areas of greatest need, the environments most likely to generate delinquent behavior, are also those locations with the most limited funds. Poor and ghetto communities do not have the tax base to provide funds for additional social programs. Often they scarcely have the ability to provide essential services. So, we strongly believe that only a nationally-financed delinquency prevention effort is sufficient to do the job.

In addition to the basic funding pattern, the need for coordination and direction is apparent. Presently Federal juvenile delinquency programs are scattered among approximately 40 agencies. The role of the Department of Health, Education and Welfare under the Juvenile Delinquency Prevention and Control Act of 1968 has been primarily an advisory one concerned more with developing model systems in the area of delinquency prevention than with implementing effective operating program or providing nationwide coordination. The lack of coordination between federal agencies is compounding the problems of developing and implementing effective coordinated delinquency prevention, diversion, treatmet, and rehabilitation programs within the states. Coordnation and leadership are required at the national level to facilitate coordination and direction at the state and local level.

The proposed Juvenile Justice and Delinquency Prevention Act, S. 821, establishes the core of the new Federal juvenile delinquency prevention and treatment effort through the creation of a Juvenile Justice and Delinquency Prevention in the Executive Office of the President. The Interagency Collaboration believes that this would create just one more bureaucracy and would result in an invaluable loss of time, continued duplication of effort and a wasteful expenditure of resources.

We also believe that the responsibility for juvenile delinquency prevention should remain outside the traditional law enforcement system. While it may appear that funds are available for this work through LEAA, this is not a realistic solution for a number of reasons. The focus of LEAA to date has been almost exclusively on the adjudicated youth who are more difficult to reach because they have already fallen into the pattern of delinquent behavior. Conducting programs under LEAA auspices may contribute to the problem of negative labelling—LEAA is by definition law enforcement oriented, not youth development oriented. Such negative labelling has been identified as a serious contributing factor in continued delinquent behavior. We feel that placing prevention programs in such an environment could be detrimental to their effectiveness.

At present LEAA reports spending less than 20% of its budget on juvenile programs. It is, however, difficult if not impossible to determine what is counted as a "juvenile program". It surely includes equipment for juvenile police officers, court reform, training institutional guards, etc. There is no way to determine what amount of these funds is specifically targeted for prevention efforts, or developing alternatives to the present system of adjudication and incarceration.

There is no way of knowing because these funds are given directly to states to spend almost as they will. We believe an important aspect of both H.R. 6265 and S. 821 is the emphasis on advanced techniques, through the requirement that 75% of funds to states must be spent for prevention, diversion, probation subsidy and alternatives to institutionalization.

We believe that prevention programs should be developed and carried out in the human services framework where the total capability of the health, education and welfare services can be meshed with the delinquency prevention effort. HEW is the human services agency of this government. It has the responsibility to deliver the services so desperately needed by the youth of this nation, and it should do vastly more than it has been doing in this area. HEW must make a concerted, effective national attack on the problems of juvenile delinquency. In order to do so, it must be given the authority to coordinate the federal effort as well as the resources to do the job. We believe it is up to Congress to demonstrate leadership and allocate the resources necessary to meet this crucial need. We are grateful to this Committee for holding hearings and hope this is the beginning of real movement toward change.

2. ADEQUATE FUNDING FOR PREVENTION AND REHABILITATION, AND CREATION OF ALTERNATIVES TO INSTITUTIONALIZATION OF JUVENILES BOTH WITHIN AND OUTSIDE THE JUVENILE JUSTICE SYSTEM

During the past twelve years arrests of persons under 18 for violent offenses have risen 215%. Arrests for serious property offenses have risen 60%. Juveniles under 18 constitute almost half the arrests for serious crime. And LEAA's most recent studies indicate actual commission of crime may run 2 to 5 times greater than presently reflected in these figures. The recidivism rate for persons under 20 is the highest of any age group. Overcrowded, understaffed juvenile courts, probation services, and training schools rarely have the time, energy, or resources to offer the individualized treatment which the juvenile justice system was designed to provide. Yet, in fiscal 1970, although $50 million was authorized under the Juvenile Delinquency Prevention and Control Act of 1968, only $15 million was requested by HEW and only $10 million was appropriated. The 1971 and 1972 Amendments provided for $75 million; HEW requested only $10 million in each of fiscal years through 1974. Only $15 million has been requested for fiscal 1975.

Clearly, the funding levels of the past have been inadequate to stem the rising tide of juvenile crime. Quite apparently they have not even been adequate to direct basic research or to collect and disseminate information on any meaningful and useful scale. But more important, we are well past the point when the emphasis should be on research and demonstration.

Meeting with Secretary Weinberger recently, our group of executives of the major youth-serving agencies stressed that the need now is to run programs that have proven effective in helping kids—not just to focus on developing innovative ideas or demonstrating new techniques. We are frankly disappointed in H.R. 13737 for its concentration on research and demonstration rather than on operating programs.

As youth-serving agencies we may not have all the answers, but we do have experience and knowledge of programs that work, that do, in fact, reduce delinquency and recidivism. If there were operating money to carry on successful programs on a much larger scale, we are convinced that the delinquency problem could be substantially reduced. The funding pattern set forth in both H.R. 6265 and S. 821 is crucial to effective program efforts. And we are prepared to follow this matter through the appropriations process once the authorization level has been established by the final legislation.

An additional problem that voluntary agencies are increasingly facing is the effect of cut-backs in categorical grants. Funds regularly available to local agencies through these channels no longer exist. Added to this must be the loss of funds from many Model Cities and OEO programs addressed to young people in great need of services. In many cases, the United Way has picked up the slack because the services were essential to the community. In turn, this has cut back on United Way's funds that have regularly gone into general operating funds for all youth-serving agencies. Incidentally, the effects of the general economy are now being felt in giving by United Way—the sum contributed is not going up at the same rate as the needs are increasing.

One school of thought is that funds of the needed magnitude are available through revenue-sharing, Title IV A or B of the Social Security Act or other existing federal program. These answers are illusory. The first Actual Use Report on Revenue Sharing shows that at the most 3% of the funds available have been used for "social services"—and that category embraces services to the aged, handicapped, etc. as well as to youth. In fact, the stipulated priority categories of the revenue sharing legislation do not even mentioned the words "children and youth." As usual, they were unrepresented by effective advocates during the legislative process.

Adequate funds must be provided, but there must also be direction that the emphasis should be on alternatives to institutionalization in those cases where a juvenile commits an offense, and is apprehended. If no real danger to society is posed, both the youth and the society benefit if he or she is diverted from the juvenile justice system. The youth thus avoids the stigmatization and confinement that may be the first step into the revolving door of the juvenile justice system.

If the youth has committed a serious crime, and must clearly be subjected to the jurisdiction of a juvenile court rather than diverted from the system, the preferred disposition must be community-based treatment. Preliminary studies of community-based treatment projects shows them to be at least as effective and often more so, than traditional programs. We know from experience that the young person whose probationary terms include participation in positive programs in the community has a much greater chance of developing helpful relationships and opportunities than those kept within the justice system. The organizations submitting this statement are by definition the kind of community-based agencies whose local units can run programs that add a substantial dimension to the range of alternatives.

There will remain a small percentage of young people already beyond the reach of such programs or of other treatment or rehabilitation possibilities for whom secure confinement is the only reasonable answer for the safety of the community and themselves. However, for th vast majority, for at least 90% of the young people now caught in the system, alternatives to institutionalization may well prevent future lives of crime.

3. ESTABLISHMENT OF A NATIONAL INSTITUTE OF JUVENILE JUSTICE TO PROVIDE FOR INDEPENDENT COMPILATION, EVALUATION AND DISSEMINATION OF PROGRAM INFORMATION

The Interagency Collaboration believes it is vital that states be enabled to share their learned experiences concerning various types of programs and to draw upon the studies and advice of experts in the field. For this reason we support the establishment of a National Institute of Juvenile Justice as provided in Title V of S. 821 and by H.R. 45. We hope your Committee will find a way to bring this concept into your final reported bill. The Institute would act as an information bank through the collection and synthesizing of data and knowledge. It would also serve as a clearinghouse by preparing, publishing, and distributing such information. The Institute, through an Advisory Committee on Standards for Juvenile Justice, would be charged with developing recommendations on Federal action to facilitate adoption of standards for the administration of juvenile justice at the state level. The lack of access to such information in the past has been a serious difficulty to the states and local organizations in establishing and administering their programs.

There needs to be a mechanism for continual evaluation and re-appraisal as new legislation is implemented. It is equally important that particular programs be carefully evaluated so that ineffective programs may be eliminated, and successful programs expanded. The authority of the Institute to carry out such evaluations combined with the requirement that state plans include adequate evaluation components and provide for annual review should result in a continuing shift to the most effective programs. It will enable all sectors working with youth to profit from the success and failure of each other.

4. NATIONAL STANDARDS FOR THE OPERATION OF JUVENILE COURTS AT ALL STAGES—INTAKE, ADJUDICATION, DISPOSITION AND CONDITIONS OF CONFINEMENT

The present juvenile justice system has two major built-in shortcomings. First, the youth in need or troube is identified and labeled. This serves to convince the individual that he is deviant and confirms any doubts he may have had regarding his own capacity to function like the rest of society. Second, as the label becomes more firmly attached, society lowers its level of tolerance. The curfew violator who is an identified parolee or probationer may go into detention; the non-labeled offender will frequently go home. Each step through the system invites a greater identification with delinquent behavior, further removing the individual from the normal socializing processes.

Title II of S. 821 sets forth a series of specific amendments to the Federal Juvenile Delinquency Act designed to modernize procedures for handling juveniles under the jurisdiction of the Federal court and to grant juveniles substantially the same rights as adults. The Collaboration feels this is of great consequence since the Federal Juvenile Delinquency Act has not been significantly amended since 1938 and has not incorporated any provisions of model juvenile court acts promulgated in the past two decades, nor drawn upon the expertise of the states. Although less than 700 juveniles are annually processed through Federal courts, the Juvenile Delinquency Act assumes importance since the Federal Code is often considered a model for state statutes. These amendments will provide basic procedural rights for juveniles who come under Federal jurisdiction, and bring Federal procedures up to the standards set by various model Acts, many state codes, and the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals.

5. EMPHASIS ON COMMUNITY-BASED PREVENTION, DIVERSION AND TREATMENT FACILITIES

The way we have dealt with youth who are in trouble should weigh heavily on the conscience of us all. We have, in most instances, simply turned away from the problem. It has been easier to lock children up than to try to find the resources needed to help them cope with themselves, their families, thier friends, and their society. We are now finally coming to realize that not only have our attempts at "rehabilitation" failed the child; youth reformatories have in many instances provided career development opportunities for crime. Our neglect has helped transform children needing help into adult offenders at a price that is staggering in human and economic terms.

Most particularly, we are concerned with the lack of resources to develop prevention programs. Each of our agencies can cite examples of good useful work being carried out in communities across the country, in some cases with measured results of lower rates of delinquency. But the resources are not available to replicate these programs in other areas of need.

In addition, some of our agencies have conducted significant training through existing Youth Development funds, but now cannot find funds to put that trained staff to work in truly preventive programs. We all work with groups of high risk young people, vulnerable because of environmental conditions, family circumstances, and self-image. With resources to expand our staff and facilities to serve the needs of these girls and boys, while maintaining levels of service to other groups, we believe we could contribute to cutting the rate of delinquency in this country.

Approaching this question from another angle, and a valid one which must be of concern to Congress, is that community-based programs do cost less; primarily because the rate of recidivism is substantially lower. Over the long haul, this is the most significant savings, not only in direct costs but in the addition of productive adults to our population.

An example of another fiscal view: In Provo, Utah, an experimental group was prepared with two controls—one group was assigned to regular probation, the other to incarceration in state training schools. On probation, the cost for each juvenile was $609; for each juvenile incarcerated, the cost was $2,015.

In grand total, the esetimate of YDDPA has been that $1.5 billion would be saved if by 1977 25% of youth were diverted from the juvenile justice system or prevented from delinquent behavior.

So there are two simple and compelling reasons for emphasis on community-based programs rather than institutionalization: they work better and they cost less.

So there are two simple and compelling reasons for emphasis on community-based programs rather than institutionalization: they work better and they cost less.

6. SIGNIFICANT PARTICIPATION OF PRIVATE VOLUNTARY AGENCIES IN CARRYING OUT THIS PROGRAM, WITH EXPRESS FUNDING ELIGIBILITY

Working with youth is a total community effort, requiring national, state and local assistance and cooperation. Private agencies have been actively involved in the treatment and prevention of delinquency and have been adding to the resource base of shared knowledge, encouraging mutual cooperation and maximizing the effectiveness of all programs.

Voluntary youth service organizations already have a well-established delivery system for programs. We bring to the problem certain resources that cannot ever be part of government's capability: we are already part of the communities to be served. Our local units are all led by Boards whose members are part of the community. In most cases, the professional staff lives in or has deep roots in the community. The volunteers who work side by side with the paid staff can provide a broad range of socio-economic backgrounds and variety experiences to the youth. They are frequently viewed only as "uncompensated manpower" without full recognition of the additional dimensions they bring to their work with young people.

With understanding of these facts, it becomes clear that we are able to undertake outreach programs that government agencies find difficult, if not impossible. All of us are continually in a process of re-examination and renewal of our goals, and those goals increasingly focus on reaching the hard to reach young person including keeping girls and boys out of involvement with the juvenile justice system and the negative labelling associated therein.

This continual renewal that volunteer leadership and voluntary membership bring to organization means a flexibility in programs and operations that government agencies cannot match.

Finally, we know we have a capacity to generate a trust relationship with kids, that the government cannot.

Although each of our local units is truly based in its own community, we are also national organizations. Our national structure permits the collection of a variety of program experiences and knowledge to come together under one umbrella. There is a means of feeding back ideas, experiences, successes, failures. We can offer support to local groups trying to expand their efforts; we can encourage groups to reach out based on the success of others in our own organizations. With a new national sense of urgency and leadership to spur us on, we could do so much more.

Participation of these organizations in the planning process of Federal, State and local governments is necessary if their resources are to be most effectively joined. Many of these organizations have long been involved in the field of youth development and are prepared to meet the challenges of today's youth.

During the past year the problem of runaway youth has become one of national concern. The number of children who run away from home every year continues to rise. Although current estimates put that figure at about one million young people a year, we believe this represents only the tip of the iceberg. The fact that children do run away from home is an indication of only one aspect of far greater behavioral and social problems related to the individual needs of youth and to society as a whole. While we are aware of the magnitude of this question, we feel that it is an integral part of the larger juvenile justice and delinquency prevention issue. To consider it as a separate problem serves to fregment a comprehensive approach to juvenile delinquency which could in the final analysis be counter-productive.

Our organizations are coming to grips with the need to provide materials which openly focus on different ways to meet different needs. We have learned that what worked in one setting—one neighborhood or one community—might not and probably would not work in another. Therefore, we believe that a comprehensive, coordinated approach would be the most effective one in dealing with the current crisis of juvenile delinquency and of youth runaways.

In offering this statement we reflect a growing awareness of the fact that the questions of juvenile rights, equal treatment of offenders under federal and state laws, and alternatives to traditional institutional care all need to be addressed by all citizens who care about children. We hope the Members of Congress recognize the problems occurring in their respective districts. Our combined constituencies of nearly 15 million young people have increasingly begun to vocalize their needs and concerns. Business and other community leaders have begun to grasp the seriousness of the problems which exist in their own communities. For example, by invitation of the National Council on Crime and Delinquency (NCCD), lay leaders and executives from over a dozen principal youth-serving organizations met with over 30 chief executive officers from among the top 100 business corporations to consider the need for national leadership to bring about action in juvenile justice. This group was addressed by Secretary of HEW Caspar Weinberger, Senators Birch Bayh and Marlow Cook, Congressman Tom Railsback, Elliot Richardson, Ladd Plumley (former President, U.S. Chamber of Commerce) and others. This group concluded that effective government action is needed to meet the needs of America's youth and endorsed the six elements to which we have directed our remarks this morning.

This winter, representatives of private youth-serving organizations, local leaders, volunteers, teachers, law enforcement personnel and interested citizens were invited to attend a series of informal juvnile justice meetings in the Midwest. The result of these meetings was to demonstrate the total commitment of the community to meeting the needs of young people.

The Boys' Clubs of America recently polled its membership throughout the country regarding juvenile justice. The results were overwhelmingly in favor of federal support for local efforts. Only six of more than 1,000 clubs indicated unwillingness to support the national program by taking the issue to their Congressmen.

All of this evidences that the localities are not only prepared but committed to act and we hope the Congress will be responsive to their needs.

We shall submit in addition to this general testimony program examples from the various agencies in our group to give you some idea of the range of services we are now providing through organized group programs, providing good role models, giving individualized attention to the best of our ability. In addition Girl Scouts of the U.S.A. is submitting a statement for the record highlighting its concerns and experiences in the area of juvenile delinquency prevention. With the resources and experience we now have and the opportunity to participate significantly in a new national effort to stem the tide of rising delinquency, we are certain that we could make a significant difference in the future of our country.

STATEMENT OF GIRL SCOUTS OF THE U.S.A.

Girl Scouting's present national objectives and goals center on anticipating and initiating change as a social force in this nation, building a membership truly reflective of the total population, and developing greater effectiveness as a voluntary organization. To meet these goals, we are committee to take risks, to seek greater involvement of youth in the decision-making process, to be flexible and innovative, and to take leadership for cooperative efforts with other agencies and organizations. We welcome this opportunity to share with our elected leaders in Congress our rich experiences gained from sixty-one years of working with girls.

Although we have always tried to deal with each girl as an individual we do feel that all girls, as all human beings, have similar needs: the need to be liked and accepted—the need for self-identity, to be somebody—the need to grow, develop and become independent. But millions of girls have also taught us that people are different. Each individual at every point in time has her own needs, reflective of her total life and envision. These needs must be met in very unique ways.

Girls Scouts, like any organization working with today's youth, is struggling to confront and help solve the problems of girls—problems which are manifested by confusion, alienation from adults and institutions, and a lack of self confidence and self-worth. Many girls whose behavior and attitudes are less than productive lack a stable, healthy and supportive family environment. Few, if any, have adult models from whom understanding and encouragement are available. And, therefore, they feel useless, unwanted, and unaccepted for what they are. Too many girls have too little opportunity to channel their energies productively or to test out their feelings of themselves. Unfortunately, those agencies which are best equipped to provide a supportive environment are often those from whom these girls feel most alienated and toward which there is the most hostility.

To make a dent in these problems requires effective national leadership that will focus attention on the needs of young people. We believe that adequate programs to prevent delinquency and reform of the juvenile justice system are national concerns. Presently Federal juvenile delinquency programs are scattered among approximately 40 agencies. The lack of coordination between federal agencies is compounding the problems of developing and implementing an effective coordinated delinquency prevention, diversion, treatment, and rehabilitation program within the states. Coordination and leadership are required at the national level to articulate federal, state and local efforts.

We are concerned about the lack of adequate funding for juvenile delinquency prevention and rehabilitation programs, and for the creation of alternatives to institutionalization of juveniles both within and outside the juvenile justice system. During the last decade arrests of persons under 18 years of age for violent offenses have skyrocketed. The recidivism rate for persons within this age group exceeds that of any other.

Despite the spiralling increase in juvenile crime, the Department of Health, Education and Welfare has consistently requested only a small proportion of the funds authorized under the Juvenile Delinquency Prevention and Control Act of 1968 for juvenile delinquency programs. From FY 1970 through FY 1974, $350 million were authorized under amendments to the Juvenile Delinquency Act. Less than 15% of the authorization was requested by the Department of Health, Education and Welfare during those years. For FY '75 the government has increased its budget request for juvenile delinquency to only $15 million—an increase of $5 million over the past fiscal years. Clearly, these monies are inadequate to develop an effective solution to the problem of juvenile delinquency—a problem which accounts for over half the serious crimes committed in this country.

We are of the opinion that the establishment of a National Institute for Juvenile Justice to provide for independent compilation, evaluation and dissemination of program information is vital to enable states to share their learned experiences concerning various types of programs and to draw upon the studies and advice of experts in the field. An Institute would serve as a clearinghouse as well be preparing, publishing, and distributing such information. The Institute, through an Advisory Committee on Standards for Juvenile, would be charged with developing recommendations on Federal action to facilitate adoption of standards for the administration of juvenile justice at the state level. The lack of access to such information in the past has been a serious difficulty to the states and local organizations in establishing and administering their programs.

It is equally important that programs be carefully evaluated so that ineffective programs may be eliminated, and successful programs expanded. The requirement that state plans include adequate evaluation components and provision for annual review will combine with the authority of the Institute to evaluate any delinquency program and disseminate the results so that only effective programs will continue. It will insure that all sectors working with youth will be able to profit from the success and failure of each other.

The Federal Juvenile Delinquency Act has not been significantly amended since 1938. Therefore, we recognize the need to develop national standards for the operation of juvenile courts at all stages, intake, adjudication, disposition and conditions of confinement. We are aware that the labeling and resulting stigmatization of youth who enter the juvenile justice system helps to destroy their sense of self-indentity and self-worth. Consequently, we feel that a fair and equitable system must be developed to deal with youth in trouble.

Current juvenile delinquency efforts serve to demonstrate the bankruptcy of the juvenile justice system. We are now finally coming to realize that not only have our attempts at "rehabilitation" failed, but youth reformatories have in many instances provided career development opportunities for crime. Future endeavors must be directed to community-based prevention, diversion and treatment facilities.

Where the youth has committed a serious crime, and must clearly be subjected to the jurisdiction of a juvenile court rather than diverted from the system; the preferred disposition must be community-based treatment or probation. Preliminary studies of community-based treatment projects show them to be at least as effective, and often more so, than traditional programs. As we know from experience, the young person whose probation terms include participation in positive programs in the community has a much greater chance of developing positive relationships and opportunities than those kept within the justice system. Girl Scouting is the type of community-based program that can add a substantial dimension to the range of alternatives.

Females represent over 50% of today's population in the United States. They make up a large percentage of the population under the age of 21. Girl Scouting has always recognized that one of our greatest strengths in that we are a female organization. Females have unique needs and different maturity rates than males. Girls and women need to learn, as part of their development, to be friends and partners with each other instead of being competitors or viewing each other as a threat. Statistics are now showing us that females are just as involved in illegal or deviant behavior as boys. Girls have always been involved to a certain extent in, for example, classroom politics, acting out street behavior, or going on daring adventures. However, there is an alarming increase in the number of girls from all backgrounds who are involved in drug abuse, premarital sex, abortion, suicide, alcoholism, gangs, truancy, and who run away from home. It is time all of us recognized that the girls with unmet needs become the rebellious teenagers and the discontented, frustrated mothers of tomorrow. Somwhere along the line this cycle must be broken—intervention to meet their needs must occur.

Working with youth is a total community effort, requiring national, state and local assistance and cooperation. Girl Scouts of the U.S.A. has been actively involved in the treatment and prevention of delinquency and has been adding to the resource base of shared knowledge, encouraging mutual cooperation and maximizing the effectiveness of all programs. We bring to the problem certain resources that cannot ever be part of the government's capability: we are already part of the communities to be served.

Because we recognize that what happens to girls at a very early age affects their values, their approach to life, and what road they do or do not take, we try to help each girl discover for herself her own unique individuality, while at the same time helping her understand and appreciate the uniqueness of othrs. If we are to stop drug abuse, malicious girl gangs, or any other damaging behavior, we must deal with the girl before a pattern of behavior has been developed. Working in conjunction with families, schools, churches, public and private agencies and institutions, Girl Scouting can continue to show girls by example that there are alternate life styles from which to choose.

We know in some areas we have only begun; in others, we have not begun at all; in others, we have had limited success. Traditional approaches and attitudes must be abandoned. We *all* need to interact, to share and to collaborate.

Initial federal support thru demonstration projects encourages private agencies, as it did us, to extend our services and at the same time to enlist the total cooperation and participation of community groups. However, we feel that now is the time to go beyond the short term "demonstration" approach to a long range comprehensive approach. We therefore strongly support the need for the following:

(a) A national program leading and coordinating delinquency prevention efforts at all levels.

(b) Adequate funding for prevention, rehabilitation and the development of alternatives to institutionalization of juvenile justice system.

(c) The establishment of a national institute for juvenile justice to provide for the independent compilation, evaluation and dissemination of program information. Allied with this must be a training capability to train juvenile justice system operators in the use of this knowledge.

(d) National standards and guides for the operation of Juvenile Court, including intake, adjudication, disposition, continuent and diversion.

(e) A national strategy based on prevention as the first priority, diversion as the second, community based treatment as the third and institutionalization as only the last resort.

(f) Significant participation of private voluntary agencies in carrying out this program.

STATEMENT OF WILLIAM BRICKER, EXECUTIVE DIRECTOR, BOYS' CLUBS OF AMERICA; ACCOMPANIED BY MARJORIE DUCKREY, PRESIDENT, GIRLS' CLUBS OF AMERICA; WALTER SMART, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS; GWENDOLYN HARPER, CAMPFIRE GIRLS, ROBERT DYE, YOUNG MEN'S CHRISTIAN ASSOCIATIONS, AND CORINNE MORROW, YOUNG WOMEN'S CHRISTIAN ASSOCIATION

Mr. BRICKER. I am William Bricker, national chairman of the Boys' Clubs of America; to my left, Mrs. Marjorie Duckrey, president, Girls' Clubs of America; to my right, Mr. Walter Smart, executive director, National Federation of Settlement and Neighborhood Centers.

We are accompanied today by Gwendolyn Harper of the Campfire Girls; Jean Whittzt of Young Women's Christian Association; Robert Dye, Young Men's Christian Association, and Mrs. Constance Dondero, national director, Girls' Clubs of America.

If I may, Mr. Chairman, I would like to take the pleasure of opening our testimony before you on behalf of our organization.

I would like to state our testimony is endorsed by the organizations which I have mentioned and they have represenatives here today who would like to perhaps make additional comments.

I am pleased to say the Red Cross Youth Services Supports our testimony here today.

I am also very pleased to say the Girl Scouts of the United States of America are also submitting an additional endorsing stamp which will be available to the committee.

Mr. Chairman, it is our great pleasure to appear today to share with you the views of the Interagency Collaboration on Juvenile Justice on juvenile delinquency and prevention.

This testimony is endorsed by the folloving organizations, several of whom have representatives here today who wish to make additional comments: Boys' Clubs of America, Camp Fire Girls, Girls Clubs of America, National Board of the YWCA's, National Board of the YWCA of the United States of America, National Federation of Settlements and Neighborhood Centers and National Jewish Welfare Board.

The combined membership of our voluntary youth organizations is 18 million boys and girls, who are a diverse and broad cross-section of this Nation's young people from all ethnic, racial, religious, and social backgrounds.

We cite this to help you recognize that our organizations represent valuable resources that can be tapped in cooperative ventures with Federal leadership and funding.

We have the experience of working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

We have the expertise and experience of tens of thousands of full-time professional staff, both men and women, who believe in the importance of their work in youth development, who are particularly committed to the need for diverting children from our outmoded American juvenile justice system.

We have the service of hundreds of thousands of volunteers, men and women dedicated to helping young people grow and develop into kind contributing citizens in their own right. These are people who realize that this is the only next generation we've got.

We also have the support of hundreds of thousands of concerned business and professional leaders across the country. These people serve on our local and national boards of directors. These are men and women of substance, who genuinely care and actively support programs designed to help the youth of America.

If I may just make a personal reference, in our organization Boys' Club of America we have over a thousand affiliates in this country. We took to them the whole problem and concern of juvenile delinquency in this country, the need for adequate legislation on a Federal level that deals with prevention and diversion and we heard from them quite an outpouring of a great minority of these clubs who came back unanimously endorsing the need for this type of legislation and asking what they could do to support.

We have had to broaden our more traditional approaches to begin to include concentrated efforts with those in the greatest need. Through national leadership burning the spotlight on the problems of the poor, we have increasingly used our resources to provide positive program opportunities and environments for a wider spectrum of young people.

Addition of Federal leadership, direction, and funding, these resources could be multiplied many times over in their effectiveness in reaching girls and boys who most need help.

I think as voluntary youth-serving organizations, we have recently recognized our mutual ever-deepening anxiety about the issues of juvenile justice and delinquency prevention and have joined together in supporting six elements we believe to be essential for effective government action.

I think we heard some very disheartening statistics from the Department of HEW where they said not only are more violent crimes increasing among young people but now the average age has some down to 15 years of age. It is pretty frightening when you think about it.

There is a great deal more we can say, but if I may to conclude perhaps quote, if I may, a statement made by Howard James, a Pullitizer prize winning author.

He read about children in trouble and after 18 months of executive research of many of our juvenile institutions over the country, he came to the conclusion:

> It is hard to believe but in many parts of the United States a better job is being done in meeting standards for the care and treatment of animals in zoos than for the care of children in our juvenile justice institutions.
>
> What's more, many of these imprisoned youngsters are either innocent or guilty of such minor infractions that far from performing any goods, these institutions are fertile breeding grounds for destruction and criminal futures, not a single community in the United States is doing enough to right these unspeakable wrongs.

Mr. Chairman, you represent our great House of Representatives and we sincerely hope that as those who represent the private youth serving organizations that we can count on you to take the initiative and leadership in this legislation, to give our children in trouble our chilren in need a better break in life and see that their rights as citizens of these United States will be met.

And finally, if you, and if we don't speak and act on behalf of our children, who will?

Thank you.

Mr. Hawkins. Thank you, Mrs. Duckrey.

Mrs. Duckrey. I would like to speak as a volunteer and layman from the point of view of the presidency of the national organization.

But primarily I am concerned with the large number of programs I have seen funded on a shortterm basis and the risk taken by many agencies that have put their history of service on the line and have dared to take the risk in ill defined limited programs on a demonstration basis only for it to be shown to the community that it is very difficult to depend on the adequacy of Government funding because there really is no sense of commitment to the widespread problems faced by youth in the community and in our Nation.

We feel as a part of a national movement, that all agencies come together are giving vent to their feelings as to the inadequacy of services and our feelings too, that we really are not committed to preventive intervention programs which are sustained because on a national basis, we allocate the money and make a long term commitment to youth through whatever mechanism needed to do this.

I question many of the programs which have been designed and carried out but I think in dealing with these bills and particularly the one that is designed to establish a unified system of allocating finance, I think there is some promise in what mght come to be.

I also think that the agencies that have dared to take this risk or these risks through the years such as Mr. Silcott demonstrates and such as is demonstrated by the 17 national organizations, are agencies which have the capacity and have throughout the years been able to demonstrate the capability and at the same time present observations to the national organizations serving youth and these are the agencies to which we owe a great deal of commendation because through their volunteer expertise in programs concentrating on fulfilling the needs of youth, we have been able to say to Federal, local and city governments there are ways which have proven successful in dealing with the needs of young people.

We see the loss of faith when programs fall short. We see the brunt of it being felt by agencies who have been willing to demonstrate the capacity of government to support the needs of youth.

This expertise this full time staff referred to provides a healthy opportunity toward citizens across the Nation, thousands of them like myself, as volunteers who are willing to say to you and the community that you represent, that we do care, that is the purpose in showing this interest by the representatives you see here today.

Mr. Hawkins. Thank you, Mrs. Duckrey.

Mr. Smart, do you care to add the presentation?

Mr. SMART. Yes, Mr. Chairman. I simply want to highlight community based diversion and prevention facilities.

Many of our organizations are located in extremely poor communities across the United States. In many of these areas, the people there are poor. Many of them fighting the OEO criteria as a poverty area. The families within these communities are rightly concerned for programs which might divert their children away from the juvenile system, and yet its precisely in these kind of communities where there are the lowest youth services available.

Now, with the primary thrust being research and demonstration, first let me say by that being the only thrust, it makes the assumption the only reason such services are not available at the local services that there is a lack of expertise and/or will.

That is not correct. There is a historical pattern which is lack of resources both from the Federal, State and local level. Most of your agencies receive their funding from United Way.

We have many agencies which get really small support from these concerns thus they must turn to one of the research demonstration programs.

We must get the parent involved, formal education, training of the professional and paraprofessionals of the community and then implementation. By that time when that is all over the demonstration is over. That leads the community to wonder what are our intentions, the intentions of the Government.

We have seen very cynical attitudes on the part of the communities which reinforces some of the antisocial attitudes of the youth in those communities.

Quite frankly, they think it is just a game and there is no intent on anybody's part to do anything about the very serious problem.

Thus we feel there must be funding for ongoing programs which have demonstrated they are viable programs, that they are achieving the objectives.

There are many communities where the youth will invariably become involved with the law by the time they are 15. That is the rule.

Such youth can be diverted from such system to constructive patterns in their lives but without the funding assistance we believe must come from the Federal level these programs will be too rare indeed.

Thank you.

Mr. HAWKINS. Mr. Smart, I think you touch on a rather sensitive area. A representative of the Department of Health, Education, and Welfare, in his testimony before this subcommittee, indicated two rather significant things that is significant from his point of view:

One, that funding is not really the answer. We need to know a little bit more why we are putting money out for certain programs. Therefore, further research and demonstration would be needed.

Secondly, he indicated a tremendous amount of money is now being expended in various Federal agencies. He mentioned obviously, mental health, manpower and so on.

What appeared to be inadequate funding is not really so inadequate after all because we need to know a littl bit more how we should spend the money.

From what you have said you seem to indicate we know enough already, there are enough agencies already doing a successful job but they don't have the resources to work with.

Also in stressing coordination, you seem to imply that although many Federal agencies are spending money on youth services of various kinds, that somehow these fragmented programs are not focusing in on any specific solutions.

Now, would you comment on that.

Mr. SMART. Yes, that is absolutely correct. From a practical point of view in the communities and agencies there might be utilizing of some moneys from categorical programs which now exist such as OEO, et cetera.

Now the handwriting has been on the wall for more than a year. Whatever funds we were getting for these services have been drying up. They are approved on a month-to-month basis. In very practical terms you know what they will do to the staff who does not know where he or she will be in the program next month.

It has a very debilitating effect and it has just about wiped that program out.

So, that leaves us with research and demonstration funds from the limited amount of money from voluntary sources.

As I stress over and over again, it has always been inadequate.

Many of those communities have very limited youth services at all.

Mr. HAWKINS. Mr. Bricker, in the prepared statement you submitted to the committee, on page 4 of that statement you speak of the proposed Juvenile Justice and Delinquency Prevention Act, S. 821 and you also make reference to H.R. 6265.

Then you say the interagency believes this will create just one more bureaucracy and would result in an invaluable loss of time, continued duplication of effort and a wasteful expenditure of resources.

Will you develop that a little bit? Is it that you are opposed to the development of any new Federal agency or would that imply that HEW is adequate? Just what is the import of that particular paragraph?

Mr. BRICKER. I think what we would like to say, we feel the institution, if you will, of juvenile justice and delinquency prevention as previously mentioned in S. 821, and I understand it is part of a separate bill which Congressman Railsback has presented, is going to be important for the simple reason we need the kind of visibility and if I may say crassly, the kind of political clout that is going to give this stature and meaning to the importance of addressing this matter of juvenile justice in the country.

One of the very strong proponents of this kind of a visible agency would be the fact that so much of our experience in the past in dealing with the problem of juvenile justice has been to deal with persons from the areas of law enforcement, rehabilitation and treatment and there haven't been enough people with expertise from the field of prevention and diversion. Our point is let's put our money and effort in keeping the children out of the institutions.

Mr. **Hawkins**. I certainly agree with your views and I agree, the institution would be valuable.

What I am trying to do is pin down exactly what structure will do the coordinating and the other things you feel should be done; how do we structure this in government itself. Should it be through putting the coordination of those programs and the achievement of the purposes which you have admirably outlined in an executive office or in HEW as proposed in the Senate bill. What would you propose?

Mr. **Bricker**. It is our belief this is one of the most vital human care services for the young people in our country and it should be a part of the Department of Health, Education, and Welfare.

Mr. **Hawkins**. Would you create a specific office in HEW?

Mr. **Bricker**. We would like to see a specific office with stature and authority within HEW.

Mr. **Hawkins**. Does the Senate bill come close to what you are suggesting?

Mr. **Bricker**. I would say it does and also Congressman Railsback's bill.

Mr. **Hawkins**. We suggested that be lifted out of that committee and be made a part of this bill.

Mrs. **Duckrey**. Mr. Chairman, if I might add to that.

Mr. **Hawkins**. Yes.

Mrs. **Duckrey**. We are saying there is a respect for the traditional role played by HEW and because of the wide variety of agencies it can touch on the interest of the individual's needs, it seems logical to us to have it lodged there.

It could develop with its own collaborating response by whatever that clout instrument is. It would be there that all the other services individuals need, could be dealt with because the services are in HEW.

Mr. **Hawkins**. Thank you. On page 6, you also say:

> We are frankly disappointed with H.R. 13737 for its concentration on research and demonstration rather than on operating programs.

I assume from that, you feel there has been too much emphasis on resarch and demonstration rather than on funding operating programs.

Will you elaborate on that, please.

Mr. **Bricker**. Yes.

Mr. Chairman, to sort of add to Mr. Smart's comments on research and demonstration I think we have done a great deal in the area of demonstration.

As far as research is concerned unless you can apply that research and put it in the hands of practitioners to improve their skill in working with children, it wouldn't be very helpful. It will sit on a library shelf gathering dust. This is our concern a lot of the research couldn't be applied to practitioners.

Mr. **Hawkins**. May I just add this comment of my own. That is, it has been my experience to justify inadequate funding. It is always a technique to say we don't know just what to spend money on therefore we have to have further research to come up with an adequate appropriation.

Now if we assume there are already successful operating programs and we start out with an adequate budget for those programs, then obviously more money is going to be required than is proposed.

If you go out and say there are any number of successful programs and we should continue those programs, then obviously it is going to take more than $10 to $15 million to do that.

I think that is the rationale behind research and demonstration.

Mr. Smart. As I indicated to you earlier, most of those communities are desperate for some help because they know what is going to happen to their children. So we search around.

Now foundations have been a source in the past but almost exclusively they have gone to research and demonstration.

But once established they will pull back. There are no funds available there or from the government. So, when you leave the community you leave it as you found it, with no funds.

Mrs. Duckrey. One of the greatest faults is providing tentative programs that lead to unfilled promises and the common phrases, "We have been researched to death."

I think we know enough now to be able to provide a service we know is necessary for the youth in our Nation. We need to disspell that feeling of disbelief on the part of human action from community to community across the Nation that really demonstrates a noncaring for the worth of the youth of this Nation.

Mr. Hawkins. Thank you.

Dr. LaVor.

Dr. LaVor. Mr. Bricker, how much money do your organizations receive from this program in HEW now?

Mr. Bricker. I can't speak to the exact amount but I would say it is very little. The YDDPA is now out of existence. It have been absorbed by another agency.

Dr. LaVor. Doesn't the office of Youth Development under the Assistant Secretary for Human Development gives visibility to juvenile delinquency programs which have not been there over the past few years?

Mr. Bricker. If you are talking about gives visibility backed by dollars.

Dr. LaVor. I did not say that.

Mr. Bricker. I just wanted to get it clear. I would say the whole area of delinquency prevention and juvenile development does not have the effect it had before.

Dr. LaVor. I am not clear what you mean.

Mr. Bricker. If you recall, at one time we had the Office of YDDPA, Youth Development and Delinquency Prevention.

At the present time that is part of the Office of Youth Development under HEW. Who reports to one of several offices of the Assistant Secretary.

Dr. LaVor. When the program was under SRS didn't the District Administrator of SRS, who in turn reports to the Secretary much the way it is done today? And wasn't the program much lower in the bureaucracy under SRS?

Mr. Bricker. I don't know.

Dr. LaVor. This point is important because the question of placement is a matter which will have to be resolved by the committee. The new program is in the Office of the Secretary and the concept is at least to put the "clout" of the Secretary behind the Assistant Secretary for Human Development more so than the other Assistant Secretary.

So my question is, by establishing a brand new mechanism out in its own orbit without any substantial increase in funds, will it make any difference as to how these programs are coordinated?

Mr. **Bricker.** I think you have answered the question as far as I can say. You are right. If it does not have the proper backing of funding it won't mean a thing and all leadership is going to have to be by persuasion.

What I am saying is we support the House bill 6265 because behind that will be an appropriation significant enough to give their institute the kind of visibility and clout necessary to tackle the problem.

Mr. **Hawkins.** I think one of the gentlemen in the audience has a statement.

Mr. **Dye.** We want to elevate the priority of this to the Secretary level with the kind of money and funding that has to be justified. The problem we have now with the Administration's position is two-pronged.

No. 1, it puts demonstration as a mean vehicle as an approach, also there is an assumption that the money which should be spent on these—we know the problems that raises—there are always more problems which can be handled and political in fighting. We need to stand apart from the communities and recognize the problem for which it is, it is a national problem.

If there were a national epidemic we wouldn't distribute funds at the local level. We would attack this nationally and fund it appropriately.

Mr. **Hawkins.** For the record, please identify yourself.

Mr. **Dye.** Robert Dye, National Board of YMCA's..

Dr. **LaVor.** Under your proposal, Mr. Dye, how would the money be used to address the national problem?

Mr. **Dye.** There are two vehicles. There would be an immediate access to private organizations to use these funds for programs nationally and locally and I think the other thing that would happen these funds would be restricted for these kinds of problems. There won't be too much local option on how these would get used but with the kind of flexibility on the local office as Mr. Silcott was mentioning.

Dr. **LaVor.** Are you saying that the private organizations don't have an option to get these funds now?

Mr. **Smart.** Revenue sharing funds. It is not prohibited, it just does not happen.

Mr. **Bricker.** What funds are you referring to?

Dr. **LaVor.** The existing funds coming out of the Office of Human Development now.

Mr. **Dye.** We have access to them but the funding level has been $10 million and it does not go very far. We have access to it for research and demonstration.

Dr. **LaVor.** What about the money going to the States?

Mr. HAWKINS. They would like you to identify the money you are talking about.

Dr. LAVOR. Under the existing juvenile delinquency legislation which expires in June there is a formula which provides each State $100,000. That is not revenue sharing.

Mr. BRICKER. $100,000 per State.

Mr. DYE. I think the new legislation really eliminates that in favor of demonstrations.

Dr. LAVOR. The administration's proposal eliminates that formula so the money can be placed where it can best be spent.

Mr. HAWKINS. We are discussing the $100,000 per State amount being received and earmarked for research and demonstration.

Dr. LAVOR. It is not being earmarked for demonstration. It is being put into a general pot and research and demonstrations just one of the overall goal.

Mr. HAWKINS. Can we have one of the witnesses respond to that as to the adequacy or the availability of that amount?

Mrs. DUCKREY. I think the fact we are not conscious of the existence of that limited fund is indicative of how it can be lost and buried in other budgets. The fact we might have access to it and then locate the pittance it represents would be discouraging to any agency to try in a small program.

Mr. BRICKER. May I make one point as it relates to the whole matter of money available, it should be said very clearly this group being represented through this collaborative interagency organization is presently spending hundreds of millions of dollars a year in this whole area of juvenile justice. That is private money.

The job is so great and the problems so horrendous and the amount of kids committing horrendous crimes is going down and down. What we are saying is please come with us, be our partners. Give it the attention and leadership these kids deserve.

Dr. LAVOR. I asked some questions this morning just to try to get clarification for the record. However, to respond to what you have said I must point out that when Secretary Thomas testified last week he indicated if you take the combined expenditures for programs for the prevention of youth problems in HEW over and above any that might come out of his office, it is in excess of $70 million to $100 million. Then if you add to that other moneys spent by the government you have a very significant figure.

Mr. BRICKER. That is right.

Dr. LAVOR. I think balance is important too. There is a lot of money being spent not only through that particular office on that particular problem.

Maybe it is not enough.

Mr. BRICKER. All we are saying is we want to be sure we don't put all the money in one pot because it deals with juveniles. All we are saying is let's get into programs effective in prevention and diversion.

You can pour millions of dollars into rehabilitation and treatment. I think you gentlemen know what the record is.

All we are saying is give us the kinds of tools and manpower so we can keep more of these kids now caught up in the juvenile system out of it.

Mrs. DUCKREY. I think Mr. Silcott's example of the cost of institutions as against the cost of a family oriented program is great. That is the realistic presentation we want to leave with you.

Mr. BRICKER. I just want to make one quick point.

When you locate the record and you read as we understand it that $53 million is going to be spent by LEAA in developing two new juvenile detention facilities just think what that would do if we could keep the children out of those facilities.

Mr. HAWKINS. May I say to you and the group that this subcommittee is extremely appreciative of what you have submitted here today. We on the subcommittee have all views as you know.

Dr. LaVor is minority legislative associate. We do intend to collaborate with you as we redraft the bill and would like the opportunity of having continuing discussions with you. It is the desire of the subcommittee to have a bill as soon as possible, perhaps within a month, and certainly to write into the bill adequate authorization, which is my great interest and concern in this matter.

I started as a young man in early school days to be involved in juvenile delinquency prevention in my own State and I was hearing those problems about the need for research and demonstration 40 years ago.

I am a little weary about it. I think the time has come if we have not learned anything we had better give up as human beings.

Certainly the subcommittee is benefitted by all the witnesses and with that——

Dr. LAVOR. Mr. Chairman.

Mr. HAWKINS. Yes, Dr. LaVor.

Dr. LAVOR. Because Mr. Bricker is here, I have to say I am here today probably in part and indirectly because of Boys' Clubs of America. I was raised in the city of Newark, N.J. and I swam in competition. When I was, I think, a freshman or sophomore there was a boys' club established in the city. We had to travel an hour to get there and had the boys' club not opened and had fellows like myself been able to take advantage of it I probably would have become a delinquent. It was an opportunity for which I will always be grateful.

Mr. BRICKER. What a testimony.

Mr. HAWKINS. We are delighted to have one of your graduates. With that, the committee is adjourned.

[Whereupon, at 11:30 a.m., the committee adjourned subject to the call of the Chair.]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

THURSDAY, MAY 2, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 1 p.m., pursuant to notice, in room 2257, Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee) presiding.

Present: Representatives Hawkins, Mink, Clay, and Steiger.

Staff Members present: Richard H. Mosse, assistant minority counsel.

Mr. **Hawkins**. The Subcommittee on Equal Opportunities of the House Education and Labor Committee is called to order.

Today we are conducting hearings on H.R. 9298, the Runaway Youth Act, which would strengthen interstate reporting and services for parents of runaway children, help make possible further research on the nature and scope of the runaway youth problem and help to establish, maintain, and operate facilities and services for children without roots.

We have come a long way from the overly romanticized view of runaway youth, wherein youngsters, in reaction to minor irritants at home, have left to spend a few hours hiding behind the fabled barn. We have also come a long way from the mythical view that youngsters run away from home in order to experience the bright lights of New York, the tempting beaches of Florida, or the so-called "free living" spirit of California.

There is a very substantial point of view that, for the most part, children run away from home because of very serious problems in relation to their families. Problems which, the children feel, are beyond the point of resolution. Children run away from these homes in search of a less destructive situation not to an assuredly improved situation. Children run away from home because these agencies and institutions, which society looks to for the resolution of these problems, have not succeeded in their efforts. Indeed, one might suggest, running away is an expression by youngsters to get the message acros that they want and need constructive resolution of their difficulties.

Once youngsters run away they are often the victims and the perpetrators of criminal acts. They are frequently subject to the exploitation of streetwise persons. They often commit acts which, if performed by an adult, would be a criminal act.

Local law enforcement officials, overburdened by the problems of runaway youth, have had their energies siphoned off by the scope of this problem. Parents of these youth endure untold anguish, knowing nothing of the circumstances or whereabouts of their children. I need not dwell on the tragedy which befell these youth in Houston, Tex. last year.

Despite mounting evidence that the runaway population is growing, the Federal Government as recently as 18 months ago was making financial support available to only four runaway youth facilities. Representatives of the administration indicated that these efforts were uite adequate. More recently, this subcommittee heard testimony from the Department of Health, Education, and Welfare, to the effect that a vaguely defined "special effort" would be made to encourage the development of facilities for runaway youth on a research and demonstration basis. I view such a proposal as too little, too late.

Thus, we have a situation in which the runaway youth population is growing, public agencies are unable to cope with these problems presented by these youngsters and their families. Private agencies are also unable to provide help for these youngsters or their families.

There has been inadequate research conducted on the causative effects of youth who run away from home, their racial and class makeup, the areas in which they tend to concentrate and their relationship to antisocial behavior.

My bill would constitute an important if not first step in the involvement of the Federal Government in this national problem. It would authorize the Secretary of Health, Education and Welfare to make grants of up to $50,000 to localities and nonprofit private organizations for the development of facilities which would serve runaway youth and their families outside of the juvenile justice system. It would give priority to organizations with experience in this field. It would require a plan for parental involvement and cooperation with law enforcement personnel. It would authorize $10 million for this purpose over 3 years. In addition, the Secretary of Health, Education, and Welfare would be authorized $500,000 to conduct a comprehensive study on runaway youth.

Each of today's witnesses brings to the subcommittee a special kind of knowledge, expertise and experience to the problems of runaway youth. We are delighted that they have taken time out of their busy schedules to assist the membership in it efforts to develop the most useful and effective Federal legislation in this area.

Our first witness will be Dr. Martin Gold, program director of the Institute for Social Research at the University of Michigan, who, with his associate, Dr. David Reimer, conducted a national survey of 1,400 youth from across the nation. Mr. Ray ben David is the executive director of Focus Runaway House, a publicly sponsored facility for runaway youth in Las Vegas, Nev.

Captain Francis J. Daley of the Youth Aid Division of the New York City Police Department has the problems of runaway youth as one of his special concerns. Mr. Bruce McQuaker, associate director of the Travelers Aid Society of Chicago, and Ms. Gerta

Flanigan, formerly executive director of the Looking Glass Runaway House, were jointly responsible for the administration of a privately sponsored facility for runaway youth which was forced to terminate last year due to inadequate funding.

To repeat, on behalf of the members of the subcommittee, we are delighted that they have consented to participate in the legislative process.

May I say this proposal is not in its finished state and, having read the complete statements of the witnesses last night, I was very impressed and I suppose before midnight I made many changes in the proposal myself, so I suggest the witnesses not be too harsh on thinking that they are dealing with a finished product. We certainly welcome the constructive suggestions we know we will receive from the witnesses today.

The first change in the agenda is to accommodate a witness who has to leave at 2 o'clock and it is with the consent of the witness scheduled before him.

The first witness is Mr. Ray ben David, director of Focus Runaway House, a publicly sponsored house for youth in the State of Nevada.

We welcome you. I can't say how many times I have been over to Nevada, that would be confessing too much.

STATEMENT OF RAY BEN DAVID, EXECUTIVE DIRECTOR, FOCUS RUNAWAY HOUSE, LAS VEGAS, NEVADA; ACCOMPANIED BY STEVE NICHOLAS, ASSOCIATE DIRECTOR, FOCUS RUNAWAY HOUSE

Mr. DAVID. I would like to introduce Steve Nicholas, an Associate Director.

Mr. HAWKINS. We will have your statement in its entirety and the other matters attached thereto inserted in the record at this point.

[The material referred follows:]

STATEMENT OF RAYMOND BEN DAVID, EXECUTIVE DIRECTOR, FOCUS RUNAWAY HOUSE, LAS VEGAS, NEVADA

My name is Raymond ben David. I am director of FOCUS and with me is Mr. Steve Nicholas, who is our associate director.

In 1969, FOCUS became officially incorporated as a non-profit tax exempt organization chartered with the State of Nevada. Up until that time a few young people and myself, including Mr. Nicholas had been meeting in my living room. We were mainly concerned with the problem of disapproved drug usage, but found ourselves dealing with all the problems that were presented to us by youth. FOCUS has since grown with the support of the community and agencies in the community to its present situation wherein we have a lovely house on 2¼ acres of land and have dealt with hundreds of children who were in need.

At the time all this got started, I was working at our Juvenile Court Services as a crisis counselor. I concentrated most of my energy in the detention center and, while working there, situations arose that made an indelible imprint on my mind. Frightened children actually locked up for running away from situations that, in many cases, any sane person would have run from. Alcoholism, rape, incest, physical abuse to name some I have encountered. I have seen situations where a young person traveling with the permission and encouragement of his parents booked as a "runaway", consequently scarred with a record of juvenile offense, exposed to hard core elements who. in some cases and because of the injustice of the system, were able to influence them in a negative direction. I would have no problem in wagering that the system has created, and continues to create, thousands of criminals out of youngsters who did nothing more than run from situations they were unable to deal with. It is my pleasure that you ladies and gentlemen now address yourselves to this inequity and that I have the honor of adding my input.

In the early part of 1972, Mr. James Carmany, director of the Juvenile Court Services in Las Vegas, after a conference with the Commissioner of the Office of Youth Development of the Department of Health, Education, and Welfare came back to Las Vegas and approached me with the possibility of FOCUS setting up a runaway house for young people. The notion certainly was attractive to me so negotiations with the administration began and in July of that year we were funded. Using the young people who had been in FOCUS or had been exposed to the FOCUS experience, we got a runaway program together and started taking in runaway kids that were referred to the Juvenile Court and off the streets. We worked very closely with the Juvenile Division of our local law enforcement agencies, we formed an advisory board of law enforcement agency people, acquired the services of the Chairman of the Social Services Department at our University to do analysis work for us, and set out to make the community aware that a problem with runaway children does exist and what we were doing about it.

We then went about looking for a facility. After a zoning fight we purchased a place ideally situated in the town, close to freeway and other main arteries. It is a rambling, old ranch style house that spells out anything but the word institution.

Far from helping, institutional settings turn off the cooperation that is vital in order to render the service to the individual. So FOCUS maintained and continues to maintain the essential home-like environment. Every child that comes to us for help understands immediately that we are not a traditional agency, that he can expect something from FOCUS and that FOCUS expects something from him. He must interact with the rest of the kids who are around and, above all, he must agree to work on his problem. FOCUS is not a "crash pad." It is a place where the young person can be helped. He can be helped only as he chooses to. It other words we insist on cooperation in working with his problem, and if he chooses not to he is asked to leave. We do encourage him to contact his parents in any case so that they know he is alive and well. We can safely say that only about 2 or 3 children (out of over 1200) did not contact their parents.

One of our biggest fears at the planning stages of our development was that children referred to us from the court would run away from FOCUS. We had visions of a mass exodus and that the children who stayed with us would create a nuisance to the immediate neighborhood. You will not in our statistics sheet before you that our fears were groundless. The figures for those who left without resolving their situation is 5.7%. I am also happy to report that there has never been a valid complaint to the police or myself as to negative behavior on the part of the children who stay with us. We have found children, for the most part, are grateful that they are spared detention and cooperate accordingly. Another factor that accounts for the good behavior is the philosophy of the house. We make them welcome and, as guests, our house is their house.

During his stay with us the youngster participates in the general FOCUS program. In addition to counseling for him immediate problems, he attends seminars, group interactions and general activities. FOCUS is a learning environment and not oriented toward recreation or amusement. It is important that the young person learn to accept the responsibility for his actions and, above all, learn how to make a decision where his life is concerned. We do not make decisions for the runaway child. We provide the information, the alternatives he needs to make the decision. Running away is not usually a rational decision based on all the information available. In traditional treatment meethods the child has no say in what is taking place. Our program encourages his making the choice and consequently when he returns home or to a relative or other alternate situation it is his decision.

We make every effort to help the child resolve his problem. Staff is dedicated and excited about their work. Our follow-up responses indicate good results but not good enough. So many times we have found ourselves wishing that there were a similar organization in the runaway child's home town so that we could refer him for reinforcement in his resolve. We know that to be impossible. Our doors are open to every child. We cannot limit ourselves to local runaways only. We cannot see 38% of the children we serve locked up in juvenile detention because they do not originate out of our community. We are contracted with Traveler's Aid who assist us in working with children out of our geographical jurisdiction. We have had children coming to us from as far away as Canada, Mexico, and Alaska and we cannot say to them, "You are somebody else's problem."

In summation, the director of Juvenile Court Services, James P. Carmany, has rounded up an additional, more legalistic reason. And I quote:

"I think the kind of shortcomings our juvenile court has are similar to the shortcomings the juvenile justice system has in the country. They are not specific at all to Las Vegas . . . The juvenile justice system, it seems to me, has been asked to become involved in cases which are crimes for children, but not really crimes at all. Specifically those are truancy, unmanageability or incorrigibility and the infamous running away from home. Basically, we're a court of law and what we see with this kind of child is a recognition of family problems which really don't need judicial decisions. What's needed is help for the family. The principle shortcoming, if it could be called that, is that the court in the past has been more of a social agency than a court."

"The Gault decisions and many other U.S. Supreme Court decisions say the juvenile courts should concentrate on kids committing serious crimes against persons or property in our community. So one of our major thrusts within the last two years has been to divert children from our system, to keep children *out* of our system. That's the reason we went to FOCUS and worked out the youth hostel approach to handling runaways."

"The hostel concept is a lot more viable and logical than having these kids held in our detention center where we're also holding kids who may be accused of armed robbery . . . Why should we also be holding a kid whose only real problem is the fact that he is having difficulty at home with Mom and Dad and is trying in some fashion to call attention to his problem."

"If the court is going to address itself to the kid who will some day become an adult criminal, it's got to get out of being a family counseling agency or an agency which deals with children who can better be dealt with outside our system."

FOCUS YOUTH SERVICES RUNAWAY YOUTH HOSTEL STATISTICS, MARCH 25, 1974

	August 1972 through December 1972	1973	January 1974 through March 1974	Total to date	Percentage
Total runaway youth	157	810	242	1,209	
Local youth	101	463	178	742	62
Out of State youth	56	347	64	467	38
Male runaways	79	376	86	541	44
Female runaways	78	434	156	668	56
Racial dispersement:					
Caucasian	125	707	203	1,035	86
Black	8	49	20	77	6
Latin American	21	38	11	70	6
Other (American Indian and Oriental)	3	16	8	27	2
Runaways returning home to parents	134	615	176	925	76
Runaways requiring alternate placements	15	135	48	198	17
Runaways who chose to leave FOCUS	8	58	20	86	7
Runaways previously living with:					
Both natural parents	66	353	94	513	43
Natural mother only or natural mother and step father	66	306	106	478	39
Natural father only or natural father and step mother	11	84	22	117	9
Neither natural (or step parent)	10	54	19	83	7
Foster parents	4	13	1	18	2
Runaways referred to FOCUS from:					
Clark County Juvenile Court	83	398	102	583	50
Police agencies	8	73	22	103	9
Community agencies	12	75	15	103	9
On own (or with parents)	54	264	64	382	32

	Years
Average age of runaway youth	15.2
Average age of girls	14.8
Average age of boys	15.5

A random sampling of 997 runaway youth shows a proportionally higher incidence of 13, 14, and 15 year old females as compared with a higher incidence of 16 and 17 year old males.

Females:		
12 years of age	31	(6%)
13 years	69	(13%)
14 years	133	(25%)
15 years	137	(25%)
16 years	104	(19%)
17 years	64	(12%)
Total	538	

Males:		
12 years of age	12	(3%)
13 years	40	(9%)
14 years	62	(13%)
15 years	102	(22%)
16 years	123	(27%)
17 years	120	(26%)
Total	459	

of the Total 188 Youth Requiring Alternate Placements:

108 went to foster home placements, placements with other natural parents, relatives, or friends of the family.

34 were temporarily placed in Child Haven to await country foster home placements.

24 placements were in temporary live-in therapeutic facilities (including 4 placements in runaway houses in their home area).

7 Job Corp and live-in job placements.

15 children were returned to juvenile court due to additonal charges and/or lack of cooperation.

The Average Number of Days Runaway Youth Stayed at FOCUS: 2.7 days (1972), 3.8 days (1973), 4.0 days (1974).

The Average Runaway Population Per Day at FOCUS is: 6 youth (1972), 9.4 youth (1973), 11.7 youth (1974) (The range being from 1 runaway to 25 runaways at the Youth Hostel a day.)

The Recidivism Rate is 7.5% (85 runaways returned to FOCUS with further runaway problems once more and 7 returned more than once).

ORIGIN OF RUNAWAYS BY STATE

Alaska	1	Montana	5
Arizona [1]	27	New Jersey	3
Arkansas	1	New Mexico	8
California [1]	173	New York	10
Colorado	29	North Dakota	2
Connecticut	3	Ohio	14
Florida	6	Oklahoma	6
Georgia	4	Oregon [1]	12
Idaho [1]	7	Pennsylvania	9
Illinois	13	South Dakota	1
Indiana	4	Texas	12
Iowa	2	Utah [1]	34
Kansas	5	Virginia	3
Kentucky	2	Washington	7
Louisiana	2	West Virginia	2
Maryland	4	Wisconsin	6
Massachusetts	5	Wyoming	4
Michigan	15	Mexico	1
Minnesota	5	Canada	3
Mississippi	6	Nevada (other than Clark County	9
Missouri	9		

[1] States neighboring Nevada.

FOCUS YOUTH SERVICES

Follow-up Statistics as of April 25, 1974.

To date: 1774 Follow-up letters sent out to parents and youth , 665 Follow-up letters returned (a total of 37%).

In response to question on parent questionaire: Has child run away again? 76% no; 24% yes.

In response to question on both parent and youth questionnaire: Is child currently living at home? 83% yes; 17% negative.

In response to question on parent questionnaire: Have you noted any changes in your child? 66% report marked improvement.

In response to question on parent questionaire: Have you contacted any other agency? 42% report seeking more help.

In response to question on youth questionnaire: Would you return to FOCUS again if you need more help? 67% report they would.

TRAVELER'S AID

Protective travel is a service Traveler's Aid offers at most major cities at both bus and air terminals throughout the country. Needing such a nationwide network, FOCUS contracted (via our local Family Counseling Service) with Traveler's Aid for an agent who works on our premises 5 days a week. The following are some accounts of Traveler's Aid involvements.

A 14 year old girl left her mother's home in California to seek help from a family friend in Las Vegas; her home environment was very poor and she was beaten severely frequently. Home life provided no stability or supervision as mother worked nights and spent little time home on her off hours. Apparently while Susan was on the road, her mother had changed the number on her phone to an unlisted number. After long and numerous efforts to contact Susan's mother, Traveler's Aid was contacted to apprise Mother of Susan's whereabouts as she would not respond to our calls and letters. However, Mother did respond to Traveler's Aid's efforts and we were put in direct contact with Mother. Upon talking to Mother, she threatened to "beat the hell" out of her daughter and put her in Juvenile Hall "for the rest of her life." Mother had assured us that she had already been in touch with the juvenile authorities in California. Again we contacted Traveler's Aid in California to verify this information. Traveler's Aid found that Susan's mother had not been in contact with the juvenile detective in Susan's jurisdiction. Because it was felt that Susan's mother would make good her threat of the beating and Susan was in a good deal of physical danger, arrangements were made for Susan to be met at the airport by the juvenile detective. Susan's mother did arrive in Las Vegas to pick Susan up. Upon seeing her mother, Susan became panic stricken and very upset. Counseling for Mother and Susan was attempted but mother was very unwilling and proceeded to shout obsenities at her daughter and the counselors. Susan and her mother had to be physically separated as mother made attempts to push and shove her. Susan and her mother were escorted to the airport by a Sheriff's deputy to allay any outbursts. Upon Susan's arrival in California she was met by the juvenile detective and turned herself in for protective custody, much to Mother's surprise.

Tom is a 15 yeear old young man who was from an extremely poor home in the South. His parents were deaf-mutes and therefore had no phone. When Tom was initially picked up by the police they tried to verify the fact that Tom was allowed to be on his own but did not believe his parents were deaf-mutes and felt he was lying. We contacted the Traveler's Aid representative in Tom's home town and they contacted his parents to arrange for Tom to return home.

Sharon, at age 16 had been working across country with the carnival. She had called home recently and found out her younger sister had been killed in a car accident. Sharon was from one of the Great Lakes States and she had an older sister living in an adjoining state. Sharon's mother was on AFDC and was unable to provide transportation home. Traveler's Aid in her older sister's community was contacted to locate the sister. Upon doing so they were able to also get the funds for Sharon's trip home.

Mark is a very capable, mature, responsible 17 year old. He had been residing in Las Vegas several months working at a Strip hotel and living on his own. When it was discovered he was a "runaway" he was brought to FOCUS. Mark was from a very strict Latin American Family. His mother was still in Latin America and his father and his brothers were in New York

City. All of Marks brothers had left home at an early age and were very successful. We contacted Traveler's Aid in New York City to contact Mark's father and older brother because of the language barrier. Traveler's Aid provided a Spanish speaking caseworker who was able to give Mark's family insight and gain their cooperation to allow Mark to stay in Las Vegas.

Jim and Gene were two brothers, ages 15 and 16, who had fled home and an abusive alcoholic mother. The boys wanted to live with their older married sister in Houston. Traveler's Aid in Houston was contacted to locate their sister. Through the Traveler's Aid agencies cooperation they were able to have Jim and Gene's sister deposit the funds for their transportation to live with her.

Marie ran from an all girls school in New Mexico, run by the state. Marie wished to return to her natural mother who she had not seen in 8 years. Natural mother had left Marie with her grandparents when she was 7 years old because she felt she was unable to provide an adequate home. Marie then became a ward of the state. Marie's mother had been in contact with Marie in the last few months. Mother had remarried and has a new family and she wanted Marie very much. Because Marie was a ward of the state a home investigation of mother's new home in the Midwest had to be completed and approved before placement. Because of the length of time involved in the investigation Traveler's Aid was contacted ot provide the investigation which enabled Marie to return to her mother. In other words, Traveler's Aid assumed the role usually assigned to Welfare departments.

Sherrie came to FOCUS stating that she had run away from home in the Midwest. Sherrie was a 16 year old young lady who had a history of emotional problems. Sherrie was living on her own in her home town and her emotional pressures became overwhelming and she ran away. After much counseling Sherrie was given some help and medication at the Mental Health facility in Las Vegas. Meanwhile, through the Traveler's Aid chain of agencies, Sherrie's family was contacted to help her return home and assure some professional help once she arrived.

FOCUS YOUTH SERVICES, PUBLICATIONS AND EVALUATIONS

PUBLICATIONS

1. "Focus Project Helps Runaways Understand their Problems," YOUTH REPORTER, December 1973, U.S. Department of Health, Education, and Welfare, Office of Human Development, Office of Youth Development.

2. "*An Adjustment to Get a Clear Image,*" William P. Gang, Currently in the U.S. Government Printing Office.

Current evaluations of the FOCUS program are available through:

Bureau of Sociological Research; University of Colorado; Boulder, Colorado.

Behavioral Research and Evaluation Corporation; Boulder, Colorado.

Office of Youth Development, Department of Health, Education, and Welfare.

Mrs. Harriett Sheldon, A.C.S.W., Chairman, Dept .of Social Service, University of Nevada at Las Vegas.

The American Psychological Association, in conjunction with the Joint Information Service is currently preparing a book for publication concerning innovative approaches to community services, a chapter of which will be devoted to FOCUS YOUTH SERVICES.

UNIVERSITY YEAR IN ACTION PROGRAM, FOCUS YOUTH SERVICES

The University Year in Action Program (U.Y.A.), under the ACTION Program of HEW has been functioning at FOCUS for two months, after a concentrated month of training in family counseling and the functions of the Las Vegas community resources.

U.Y.A. enables a person to continue their university education as a student while being involved with and helping the community, in this case assisting runaway youth and their parents work toward a lasting and trusting relationship (particularly in cases where income is a problem and professional follow-up help is out of their reach."

One of the six FOCUS U.Y.A. counselors is requested either by the youth or his parents after the youth has run away from home (and in a few cases when a running away is anticipated.) The U.Y.A. counselor then makes numerous home visits for a concentrated period of one month. During that time he instructs and trains the family in communication and problem solving skills; he points out and contacts various community resources which could better help the family solve some of the multi-problems they are experiencing; he acts as a sounding board in order to give them feedback on their progress; and when more professional help is a necessity he enables this to take place by helping to negotiate on payment, assisting the family in making the initial contasts with the person or agency, and then works closely with the professional counselor or therapist to better and more expediantly aid the family resolve their problems.

The U.Y.A. counselors take turns each day running groups for the runaways at FOCUS in order to make the runaway youth aware of their service and to establish a bond of trust among them. Whereas, the parents are informed of this service usually during the family session with themselves and their child just prior to the youth either returning home or going to a foster home.

The purpose of this program is to choose the more difficult cases to lower the recidivism rate of youths continuing to solve their problems by running away. Realizing that many of their problems are not solely their own but caused by and shared by all the members of that household and must thereby be solved by all the same members is the reason why the counselor works with the entire family at home.

It is a bit early to conclusively state the success of this program but of the sixty cases the U.Y.A. counselors either are working with or have worked with during this period, all but three youths have been making progress and have not yet run away.

Mr. HAWKINS. You may summarize or read from your statement.

Mr. DAVID. I will be brief and refer to it from time to time.

In 1969 Focus was started in my livingroom. At that time we were concerned about nonmedical use of drugs among children and young Steve here was with me at the time and we grew into an organization that is quite sizable.

At the time all this got started, I was working at our Juvenile Court Services as a crisis counselor and situations came up that were appalling to me, children were being booked into juvenile hall, given a record, exposed to elements they shouldn't be exposed to and the process of institutionalization started. This was an inequitable situation and I made a lot of noises. We saw situations like alcohol in the family, rape, incest, and physical abuse. That is just some of the things encountered.

I made noises about the injustice of this system and I would have no problem in saying that this system has helped to create a great many criminals and something has to be done about it.

I spoke to Mr. Jim Carmany, director of Juvenile Court Services in Las Vegas and, after a conference in Washington with the Commissioner of the Offies of Youth Development of the Department of Health, Eduction, and Welfare, he came and talked to me, inasmuch as we had a growing organization, about taking on a youth hostelry unit. That was very attractive to me. Working closely with the juvenile division of our youth department and forming an advisory board of people from the district attorney's office, people from the schools, we set about getting a youth hostelry going and, after the zoning fight, which is inevitable, we settled on a very beautiful house on 2¼ acres of land.

This is a home atmosphere which I think is absolutely essential to such a proposition because if you are going to treat a child, or a person, for that matter, in an institutional setting, you are not going to get very much going, I think. It has been my experience along those lines, so in Focus we are not a traditional agency. That is important. It is not a crash pad.

What we do, a kid comes in and we allow him 48 hours in which to make a decision. It has been our experience that they are ready to call right away, the minute they come through our door, they are saying in essence, we want some help. If he refuses to do that and wants to leave, we do encourage him to contact the parents in any case, let them know he is alive and well and staying in Las Vegas temporarily.

I am happy to say only 2 or 3 children out of the 1200 or so we have dealt with refused to do that. So contact is made in all cases except for two or three.

One of the biggest fears when we started, inasmuch as children were referred to us from the juvenilt court, was that we would have a mass exodus and everybody would run away, escape over the wall, and that turned out to be not so. I think 5.7 percent is all we have of children that left without resolving their situation.

I think another factor, one reason they stick around is because they are spared this being locked up and put in the juvenile court thing. We make them welcome, "our house in your house," you know. So we have had a low incidence of people not staying around and resolving what their situation is.

Focus is a learning environment. We don't make the decision for the kid, what we do is we lay out, we help him lay out all the alternatives that he can choose from and then it is his decision. In traditional agencies it is a matter of picking up a telephone and saying, "We have your child here," putting him on some kind of conveyance and off he goes. No, at Focus he makes the decision and we have our followup system.

There are many, many times that we have found ourselves wishing there was a similar organization in the hometown of the child. That is where you folks are going to be a great deal of help if this bill is passed. We refer, of course, to agencies that exist in other towns, but for the most part, again they are traditional agencies with all the symbols involved and a lot of times what has to get going doesn't in the traditional method. So we wish there were similar organizations throughout the country.

Our doors are open to every kid that comes to us. We don't limit ourselves to local runaways only. 30 percent of the children coming through our doors are out of State and we can't just say, "You are somebody else's problem," and let them go back to juvenile court.

We contract with Travelers Aid who assist in working with children out of our geographical jurisdiction. We hired a Travelers Aid person who is on the premises with us. They do a lot more, I understand, than the traditional Travelers Aid does.

I want to quote or read, it is not very long, something that Jim Carmany, again, the director of Juvenile Court Service in Las Vegas wrote up. It will just take a moment.

Jim says:

> I think the kind of shortcomings our juvenile Court has are similar to the shortcomings the juvenile justice system has in the country. They are not specific at all to Las Vegas. The juvenile justice system, it seems to me, has been asked to become involved in cases which are crimes for children, but not

> really crimes at all. Specifically those are truancy, unmanageability or incorrigibility and the infamous running away from home. Basically, we're a court of law and what we see with this kind of child is a recognition of family problems which really don't need judicial decisions. What's needed is help for the family. The principle shortcoming, if it could be called that, is that the court in the past has been more of a social agency than a court.
>
> The Gault decisions and many other U.S. Supreme Court decisions say the juvenile courts should concentrate on kids committing serious crimes against persons or property in our community. So one of our major thrusts within the last two years has been to divert children from our system, to keep children out of our system. That's the reason we went to FOCUS and worked out the youth hostel approach to handling runaways.
>
> The hostel concept is a lot more viable and logical than having these kids held in our detention center where we're also holding kids who may be accused or armed robbery. Why should we also be holding a kid whose only real problem is the fact that he is having difficulty at home with Mom and Dad and is trying in some fashion to call attention to his problem.
>
> If the court is going to address itself to the kid who will some day become an adult criminal, it's got to get out of being a family counseling agency or an agency which deals with children who can better be dealth with outside our system.

I am in total agreement with that and I believe fervently that a situation such as this should be dealt with in the community, and not through a court system. That is all the presentation I have.

Mr. Nicholas and myself will be glad to answer any questions you may have.

Mr. Hawkins. Thank you, Mr. David. The first question I would like to ask you concerns the funding of the program. The moneys which you receive from HEW's Office of Youth Development is, I believe, $93,000. This was available through February of 1974. Is that correct?

Mr. David. Wait a minute, June 31 our funding stops.

Mr. Hawkins. 1974?

Mr. David. Of this year, yes.

Mr. Hawkins. It is correct that you receive $93,000?

Mr. Nicholas. There were two grants. Our 2 year funding was $90 thousand and we received a supplemental grant for $30 thousand for the fiscal year.

Mr. Hawkins. You received a total of $140 thousand from HEW. Is this money going to be terminated, and if so, what happens to the agency?

Mr. David. We are a United Way Agency and we get some money from them and we get private donations. We are thinking of going into a private enterprise to support ourselves.

Mr. Hawkins. What really do you mean by private enterprise?

Mr. David. We will sell things to people that will buy things.

Mr. Hawkins. Commodities or services?

Mr. David. Commodities, not services. We don't charge for services. Any kid coming through the door, rich or poor, doesn't get charged.

Mr. Hawkins. What about State or local funding? Is there any possibility there are such sources available to you?

Mr. David. There is State, it is not essentially runaways, it is in two parts, the drop-in center where we help children having problems, problems like drugs, identification with themselves or with their parents or the police and the hostelry. We are getting a grant, or have applied to the State. That is for the drug abuse, if I can use that awful phrase, the drug abuse part of the house.

Mr. HAWKINS. Do you think the fact that Federal money is being terminated will create any problem for FOCUS?

Mr. DAVID. Yes, it will. We will have to scramble a lot.

Mr. HAWKINS. I notice from some of the material that you have given to the committee as to the origin of the runaway by State, that 173 were listed during this period of time as having come from California. Does California in any way make any adjustment for the fact you provide a service for runaways from that particular State?

Mr. DAVID. Up to this point, no.

Mr. HAWKINS. I am suggesting that apparently there is an indication that it is an interstate problem as wel las an intrastate problem and, therefore, a Federal problem. Obviously, it would seem to me it should follow that some Federal interest should be involved in the program.

Mr. NICHOLAS. I think it should be both. I think it would be the local community because there are at least in our community many local kids that stay with us. Also it is a Federal problem being that we receive kids from 38 States, I believe is the number. Somebody has to assume that responsibility.

Mr. HAWKINS. I have no further questions.

Mrs. Mink.

Mrs. MINK. What is the average stay of these young people coming to your center?

Mr. DAVID. Four days.

Mrs. MINK. How much real substantive counseling service can you provide in 4 days?

Mr. NICHOLAS. Quite a bit. It is an intensive environment. We have 6 full-time counselors and a corps of volunteers, approximately 20. We provide family counseling and group counseling which all the young people take part in.

One of the things that helps us keep that down is that we have a component with the youth hostelry, a program out of action. Those volunteers work primarily with local families and doing followup in the home, 4 to 6 weeks in the home after the youngster goes back. That helps keep the length of stay down.

Mr. DAVID. In lots of cases it is merely a bandaid operation but it is an intensive situation, as Steve said. For instance, we don't have a television working in the house. In the dormitories there is no reading lamps, there is no books. The children are out in the common room or throughout the house interacting with each other or their counselor. There is no time to sit and brood.

Mr. NICHOLAS. We take the attitude or position that our job is to bring the family together and to work out some of the immediate crisis situations that came to a head.

In a lot of cases it is appropriate to make a referral to a community agency, community professional, or something like that to do some work. We don't profess to solve all their problems, but we try to get them back on the track where they can. I think that is an important point. The need is there now and I think somebody has to respond to it.

Mrs. MINK. Of the youngsters that are local to the area, how many of them actually go back home and remain home with their families?

Mr. NICHOLAS. Our followup that we do, we have U.Y.A. which is counseling, and then we send out or telephone in the local community 3 months after the young person has left. We have not done one past that. The figures for that——

Mr. DAVID. Seventy-six percent of the children are still home, 24 percent of the children have run away again.

Mr. NICHOLAS. A lot of times they just blow up and it is not difficult after 4 days of intensive counseling to open up ways to solve those problems. A lot of times a youngster will react to situations in the only way he can, that is to run. We open up the links again and that is often effective.

Mrs. MINK. How many centers do you know of existing in the entire United States?

Mr. NICHOLAS. I don't know, there is a directory here that has almost all of them. There are quite a few.

The other role we are taking in the community is to try to organize a community based approach to deal with the runaway problem, the problem in our community. There is something like 1,300 kids handled through juvenile court or FOCUS that are termed runaway. FOCUS cannot handle that problem. There is a need for at least two other services. We are overburdened at this point. There is a tremendous problem with what is called, "runaways."

Mrs. MINK. Did you say you were State supported, also State funded?

Mr. NICHOLAS. We just applied to the State for funding. We will have final approval, hopefully, by the 10th of this month.

Mr. DAVID. That is not for the runaway problem, it is for the problem of drugs.

Mrs. MINK. Does the State of Nevada have any State program for runaways?

Mr. NICHOLAS. No.

Mr. DAVID. Not at this point.

Mrs. MINK. In its departmental functions?

Mr. DAVID. Not at this point.

Mr. NICHOLAS. There may be in the future but that is a couple of years away.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. HAWKINS. Mr. Clay.

Mr. CLAY. There are some that contend this program is geared to the needs and interests of America's middle-class youth and that it fails to adequately deal with the needs of black, brown and other disadvantaged youth. What is your opinion or experience in regard to that?

Mr. NICHOLAS. Specifically I refer you to a copy of our ethnicity breakdown. I would have to agree the majority of the people we work with are white and generally somewhere in the area called middle class, even though there is upper class and lower class in there. In our community, I can only speak for our community, several reasons why the minorities we work with is low, one is because we are white middle class. Second, the police in the section of our town that is primarily black, they do not pick up kids for runaways, and third, it has been our community's experience there is more of an extended family thing happening in the black and brown communities in our town and they run down the street to a friend, a relative. Those are the three primary reasons we see.

Mr. DAVID. We see them as a tighter family group.

Mr. CLAY. That is strange.

Mr. DAVID. Maybe that is out of necessity, Mr. Clay. We find that kid usually does run away to an uncle, an aunt, sister, or somebody in the family.

Mr. CLAY. This is the first time I have heard that about the stronger family unit.

Mr. DAVID. This is what we seem to see. I have seen that in juvenile court, too.

Mr. CLAY. I just wanted to hear your response to that.

Your figures indicate that over 1,200 runaway youth are served. Of the 1,200, 59 percent were referred to the police and juvenile courts. This contrasts with figures of New York City which is about 8 percent and the Institute for Social Research of Michigan is somewhere in the neighborhood of 98 percent. How do you account for these differences?

Mr. NICHOLAS. As we stated in the statement, we have a law enforcement advisory committee made up of representatives from the juvenile bureau, from the supervisory management to the patrolmen's bureau, and it helps and keeps the law enforcement agencies clean. When problems come up, they can be worked on on an individual basis. With the juvenile court we have a contract with them which is—we have a contract with Juvenile Court in terms of referral procedures and patterns that we entered in with them. They don't want to work with the runaway problem in their system. I think that saye something about our belief in how an alternative social service agency has to work with community agencies, traditional and otherwise.

Mr. DAVID. I think it breaks down to, Mr. Clay, if you can't fight them, join them or make them join you. There was a time when the police were stationed down the street from us and would watch us through binoculars. That doesn't happen any more. We have this law enforcement advisory committee and they handle all kinds of situations that come up.

At one time, for instance, a person called the police and said, "What about this place called FOCUS?" Anybody on the switchboard that day, you know, they said, "They will cause your child to run away." That doesn't happen anymore. That call is channeled to a person on the advisory committee and he or she explains what FOCUS is about.

We are getting good cooperation at this point. It is getting better. We do have our problems. We have some hardnosed people who still insist and forever will insist that we are what we are not.

Mr. CLAY. No further questions.

Mr. HAWKINS. Mrs. Mink.

Mrs. MINK. I have a followup question. What is the reason for your 58-percent referral to the police authorities then?

Mr. NICHOLAS. It is not referral to, it is referral from, that is where we receive them.

Mrs. MINK. How many come in and then you have to refer to the police enforcement authorities?

Mr. DAVID. We refer none to police enforcement authorities. We refer back to the juvenile court and that is for situations of child abuse or, if there is going to be a formal foster arrangement and it has to go through the court.

Mr. NICHOLAS. Page 2 of the statistics, of the total 188 youth requiring placement, the second and fourth numbers are the numbers we refer back to the juvenile court. Child Haven is the facility for dependent and neglected children. We run into a number of cases where there is incest, physical violence, and 15 other ones who chose to use a lot of drugs on the premises, which we cannot allow, or who did not cooperate with our guidelines.

Mr. DAVID. We insist upon cooperation. We can't take the time to work with someone who just wants to use it for a place to crash, to flop. We can't do that. The person that comes to us for help, or comes to our doors has to cooperate.

Mrs. MINK. Thank you.

Mr. HAWKINS. Mr. Mosse, counsel for the minority.

Mr. MOSSE. As to the appropriations founding for your program, you mentioned the HEW source of revenue or assets. Then when we questioned about the State funding, you said that was related only to drugs?

Mr. DAVID. That is right.

Mr. MOSSE. There is no availability of funds as to runaway children whether in State or from out of State sources?

Mr. DAVID. Not at this time.

Mr. MOSSE. It is only drug-related funding?

Mr. DAVID. From the State, yes.

Mr. MOSSE. In your State are there other agencies which would in essence or peripherally duplicate what you are spending on these children? Are there other places they can go, or are there State agencies that might have drug programs? Are you unique in services you offer these children?

Mr. DAVID. I think we are unique in that we are services, we are focused on youth services. That takes in a lot of elements. There are other agencies that deal specifically with drugs but none deal in the area of drugs and the other things I talked about and youth hostelry.

Mr. MOSSE. The primary thrust of the services you offer is psychological whereas there are State related or supported agencies that ouer physical assistance to people who are suffering from drug problems, is that correct?

Mr. NICHOLAS. There are State programs that offer assistance to people involved with drugs. Generally speaking, those programs, whether State or private, there again they are dealing with the more intensive use of drugs, they are group living situations, or short-term counseling on method of maintenance, clinics, things like that.

Mr. MOSSE. Thank you.

Mr. Hawkins. We thank you very much, Mr. David. We have tried to accommodate you and I think we made it in about 15 minutes. Mr. Nicholas, it was also a pleasure to have you here today.

Mr. David. I thank Dr. Gold for relinquishing his time.

Mr. Hawkins. The next witness is Dr. Martin Gold, program director, Institute for Social Research, University of Michigan, accompanied by David Reimer.

We welcome you to the committee and your statement will, without objection, be inserted in the record at this point. You may proceed to deal with it as you so desire.

[The statement referred to follows:]

Testimony of Martin Gold, Ph.D. and David J. Reimer, Ph.D. of the University of Michigan Institute for Social Research

The main thrust of this testimony is to present to the Congress the data on runaways called for in the cited proposed legislation both as a factual guide to its deliberations on matters concerning runaway youth and as a demonstration that such data can be gathered and how.

The data presented were derived from the National Survey of Youth '72, performed by The University of Michigan Institute for Social Research under grant MH20575 from the National Institute of Mental Health Center for Studies of Crime and Delinquency. The National Survey of Youth '72 is the second of a series of studies of American adolescents which was begun in 1967. Included in a broad inquiry about the lives of adolescents are questions soliciting the adolescents' own reports of their delinquent behavior in the three years prior to the survey.

The National Survey of Youth '72 surveyed 1935 boys and girls aged 11 to 18, carefully chosen to represent the boys and girls of that age cohort residing in the 48 contiguous states from May through July of 1972. Each youth was interviewed personally and privately by a trained member of the Institute for Social Research staff. Interviews lasted an average of 90 minutes.

Previous studies by the National Survey of Youth staff have demonstrated that the large majority of young people are completely frank and honest about their deviant behavior under the protected and supportive conditions of the personal interview.

Some of the relevant findings of the National Survey of Youth '72 are these:

About six percent of adolescents in America have run away from home in the three years from May-July 1969 to May-July 1972. Projecting this sample percentage on the total population, we estimate that the total number of adolescents who ran away in that period was between 1,475,200 and 2,361,800. I hasten to add, however, that these data could be highly misleading. They tend to call up an image of around two million American teenagers far from home, unsupervised, unprotected, and alone. This is far from the truth. While every one of these young people had willfully left their homes without the peermission or knowledge of their parents and with the intention of not returning, the way they went about doing this varied widely.

The fact is that 70 percent of these runaways—that is, between 1,032,600 and 1,655,360 of them—ended up *not* far from home, under supervision, and protected. What they had done was to go to the house of a friend or relative, usually in their own communities.

I do not wish to minimize the fact that in that three year period some 580,000 young people—give or take 140,000—had left their homes and the supervision of their parents or guardians and were in relatively unprotected situations for two days or more. But I think it wise that we get a more accurate perspective on the dimensions of the problem of runaways than the general estimates drawn from the figures of law enforcement agencies. It is widely recognized that relatively few runaways ever come to the attention of the police—only about one-fourth, in fact—and those that do are not at all representative of the whole. For example, while only 35 percent of all runaways leave their hometowns, 65 percent of those known to the police left their hometowns; and while only 13 percent of all runaways went off to some distant city, 25 percent of those known to the police have done so. That the police should more often apprehend such cases is not at all surprising. But to assume from these data that 65 percent of *all* runaways leave their communities is plainly wrong, as we have seen. One point to be drawn from this discussion is that official data—figures based on apprehended and recorded runaways—provide inadequate bases for public policy. This is generally true of official data on all kinds of juvenile delinquency. The intent of the "Runaway Youth Act" to collect better data is therefore laudable, provided that that intent is *not* implemented with official data.

Nor should we assume that all of the approximately 580,000 runaways in that three year period who were among strangers far from home were in need of protection and supervision. Running away is more prevalent among older than younger children, so that, while six percent of the 11– to 18–year olds ran away in that time, that figure includes only one percent of the 11– to 12–year olds and 12 percent of the 15– to 16–year olds. And, a sone might suspect, the older adolescents run further and stay away longer.

In most jurisdictions, the 17– and 18–year olds are not considered juveniles and cannot even be regarded as runaways officially. If we remove from the larger figure just those 17– and 18–year old *boys*, who account for about 10 percent of all the runaways, we remove somewhere between 147,500 and 236,500 young people. The 17– to 18–year old *girls* include about 38,000 more. Further sifting through the data pertaining to the 11– through 16–year olds, taking into account the protectedness of the environment to which they ran and how long they remained away, leads us to estimate that there were about 465,000 runaways in the years 1969 to 1972 who were probably in need of protection and supervision while they were away from their homes.

We turn now to another facet of the problem of runaways. We have up to now been emphasizing the need for protection these young people have. But there is some concern that the community needs protection from *them*. That is, it seems plausible to believe that runaways, lacking supervision and thrown upon their own resources, are led to prey upon others for survival. We have already seen that a relatively small proportion of runaways are in such straits, but nevertheless it is worthwhile to inquire of the data whether running away sets the conditions for other, especially non-statutory delinquency. Another reason for pursuing this investigation is the competing images of the runaway. While some imagine that many runaways are predatory delinquents, other imagine that they are more victims than delinquents, that their running away is a legitimate, even salutory response to neglectful, oppressive parenting and other excessive pressures in their communities. This last image suggests that runaways are not ordinarily highly delinquent.

Our data suggest that the image of the runaway as relatively non-delinquent is largely in error. While there are some runaways who are otherwise well-behaved, most runaways resemble more closely adolescents who commit other statutory and non-statutory delinquent acts. For example, about 20 percent of all American 11– to 18–year olds have not committed any chargeable delinquent act in the three year period; but, in contrast, of those who ran away during that time, 98 percent committed one or more other kinds of chargeable delinquent acts. To put it another way, 87 percent of the runaways were also more delinquent in other ways than the average teenager.

However, it should not be assumed that running away itself is usually the occasion for other kinds of delinquency. That in fact is rarely the case: something less than ten percent of the incidents of running away gave rise to other delinquent behavior (and those incidents are almost exclusively among boys). The picture seems to be this: while running away itself is rarely accompanied by other delinquent behaviors, the large majority of youngsters who run away are, on other occasions, more delinquent than most of the adolescents in the country.

Most versions of the "Runaway Youth Act" call for surveys which "shall include the age, sex, and socioeconomic backgrounds of runaway children." We have already testified to the relationship between age and running away to the effect that older adolescents are more likely to run away than younger ones. The following table presents what proportion of each age group from

11- to 18-years of age had run away from home in the year ending May-July 1972:

TABLE 1.—*Percent who ran away in year ending May–July 1972*

Age:	Percent
11 to 12	1
13 to 14	4
15 to 16	12
17 to 18	5
Total	6

Table 1 shows that the proportion of runaways increases up to age 15–16, then declines. (And our figures also show that boys and girls are about equally likely to run away from home.)

The next table addresses the question of socioeconomic background. The measure of socioeconomic background used here is the occupation of the youngster's father, or if no father is present, the occupation of his or her mother. These occupations are ranked from high status to low according to the scale developed by demographer Otis Dudley Duncan and his associates, and it is based on the amount of education and the amount of income typically associated with each occupation. Table 2 shows that there is little difference in the proportions of adolescents from each strata of our society who ran away.

TABLE 2.—*Percent of runaways by social status*

Social status:	Percent runaway
High	6
Middle	5
Low	8

Pursuant further to the kind of data which the Congress has specified it wants, we present here figures on "the places from which and to which the children ran. . . ." We have already discussed some of these data. It is apparent that most children did not run very far nor stay away very long. Graph A depicts the proportions of adolescent runaways in terms of how far from home they ran; Graph B, how long they were gone.

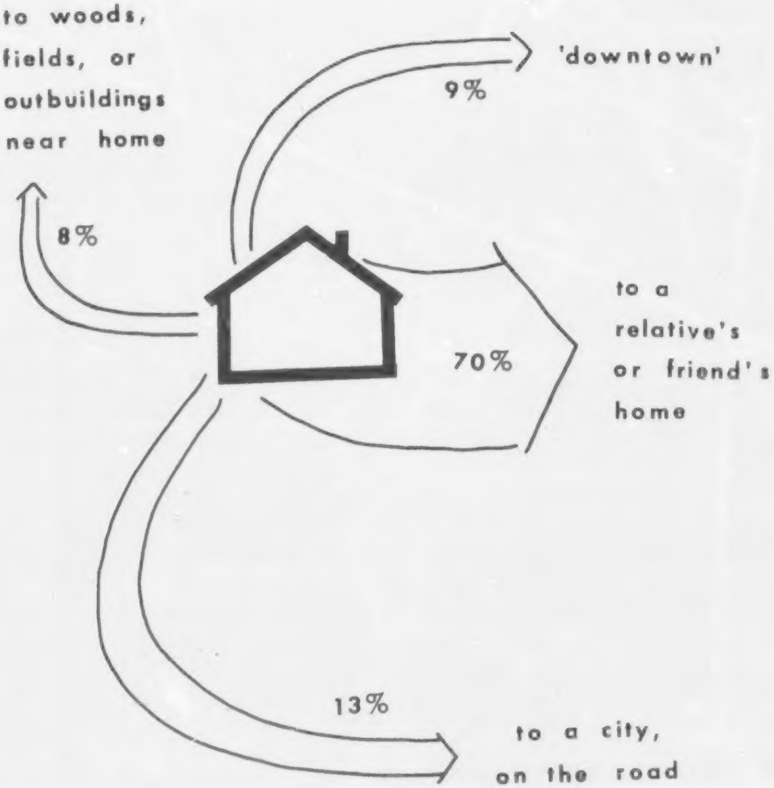
Graph C relates running away to other illegal behavior. One can see that, as we said earlier, adolescents who ran away were also more likely to commit other offenses as well. Running away from home was more closely related to using marijuana and other drugs and joy-riding. It was least well related to trespassing and entering.

Besides calling to your attention the figures we have presented, we would also like to underscore the very existence of these figures. We so so, not to discourage the Congress from seeking additional data, but rather to demonstrate that such data can be gathered and are useful in policy planning. These data pertain to the state of affairs in 1972; they ought to be collected periodically to ensure that planning is based on up-to-date figures. All too often public policy is made in an empirical vacuum, especially policy concerning social problems. Here is a highly pertinent case in point. One version of the Runaway Youth Act, the version that has been passed by the Senate, states that "The Congress hereby finds that (1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions. . . ." Our data cast some light on that "finding." We have compared the self-reports of running away given to us by adolescents in 1967 with those given in 1972. According to the youngsters themselves, the *proportions* who ran away did *not* increase from the period 1964–1967 to the period 1969–1972. If there was any increase in the *numbers* of runaways at all, it was due to the larger numbers of older adolescents in the American population, that is, due to a larger number of those youngsters at that age most prone to running away. It is likely therefore that the numbers of runaways will decline in the coming years as the numbers in that age cohort decline. Our point here is that the Congress constantly runs the risk of legislating in the absence of accurate and properly interpreted data.

Any legislation that will bring more of the facts to the Congress and in their proper context ought to be supported.

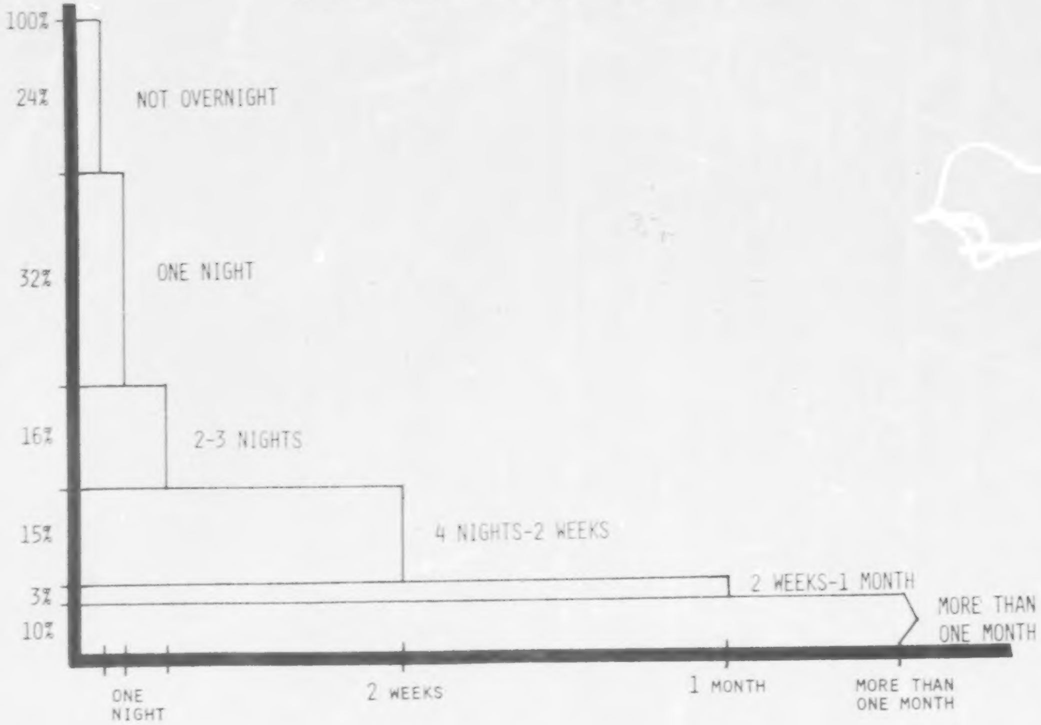
Graph A

WHERE DID YOU GO?



Graph B

HOW LONG WERE YOU GONE ?



Graph C

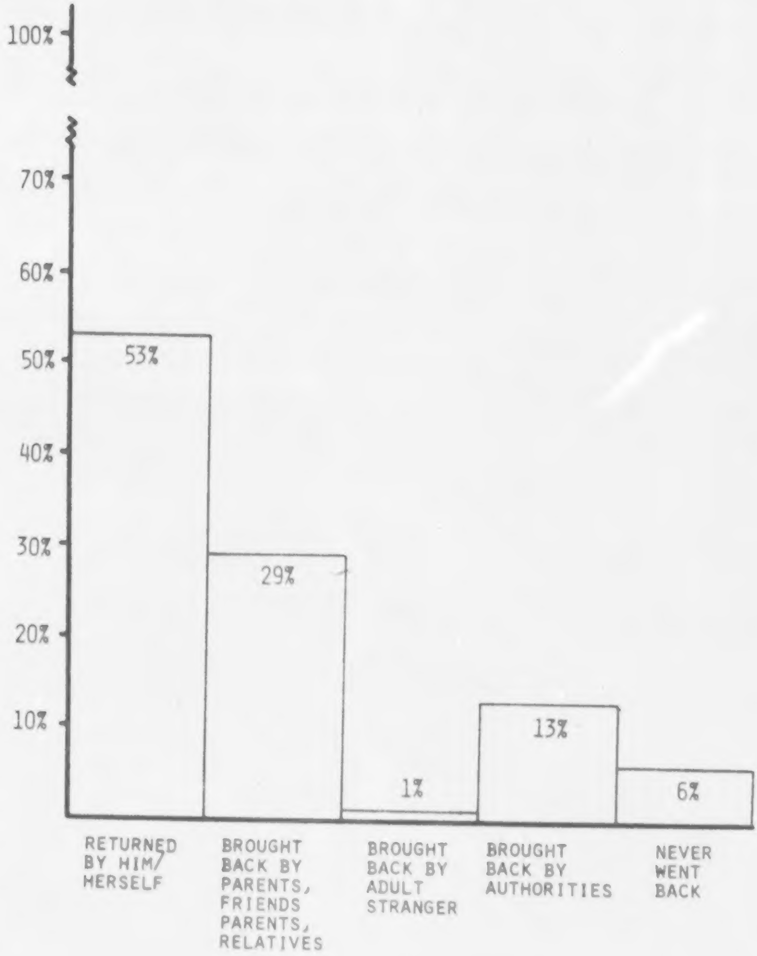
IN ANY PAIR OF ADOLESCENTS ...

IF YOU KNOW THAT ONE HAS RUN AWAY MORE OFTEN THAN THE OTHER, THEN...

THE ODDS ARE ABOUT:	THAT THAT ONE HAS ALSO MORE OFTEN:
6 TO 1	USED DRUGS OTHER THAN MARIJUANA OR ALCOHOL
6 TO 1	TAKEN A CAR
5 TO 1	USED MARIJUANA
4 TO 1	TRIED A CONFIDENCE GAME
4 TO 1	TRUANTED FROM SCHOOL
3 TO 1	ENGAGED IN A "GANG FIGHT"
3 TO 1	DRANK ALCOHOLIC BEVERAGES
3 TO 1	CARRIED A CONCEALED WEAPON
3 TO 1	SERIOUSLY ASSAULTED SOMEONE
3 TO 1	STOLEN SOMETHING
3 TO 1	THREATENED TO ASSAULT SOMEONE
7 TO 3	DESTROYED PROPERTY
2 TO 1	HIT HIS/HER PARENT
3 TO 1	ILLEGALLY ENTERED A BUILDING
3 TO 2	TRESPASSED

Graph D

HOW DID YOU HAPPEN TO COME BACK ?



STATEMENT OF MARTIN GOLD, PROGRAM DIRECTOR, INSTITUTE FOR SOCIAL RESEARCH, UNIVERSITY OF MICHIGAN; ACCOMPANIED BY DAVID REIMER, INSTITUTE FOR SOCIAL RESEARCH

Dr. GOLD. Thank you, Chairman Hawkins, Mrs. Mink, Mr. Johnson, Mr. Mosse, we appreciate the opportunity to relate to you some of our data relating to the problems of runaways. I will just go over the highlights of the report and some of our reflections on the testimony that has already been submitted and ask for the privilege of inserting Graph D which has been given to Mr. Johnson as a supplement to it.

Dr. GOLD. Ours is a study of runaways and a representative sampling of American kids 11 through 18 years old.

These are the data of their own reports of their experiences and they differ widely from the data one might get from official records. It is important that we stress this is self-report data by youngsters, because official records really account for only a small proportion of the total number of runaways. I want to emphasize this especially because Mr. Clay appears to have misunderstood at least a piece of our data when he said our figures show aht 98 percent of runaways are referred to the police.

What we mean to say in our prepared testimony is that 98 percent of youngsters who run away also commit at least one other chargable offense in the three years prior to our interview with them. In fact 98 percent of them commit more offenses in that time than the average teenager in this country does. But very few of those offenses are known to police.

The youngsters tell us about them but less than 3 percent of the offenses of American teenagers is known to law enforcement authorities.

Something around 25 percent of incidents of runaways are known to law enforcement authorities. So our data spans a lot of runaways not available through official data and include delinquent behavior, much of which is unknown in any official records.

The data we get from youngsters differs widely from the data gotten from official records both in kinds, amount and distribution of runaways in America today.

The various versions of the Runaway Youth Act that we have seen include a mandate to collect data on runaways for the information of the Congress, data on their numbers and distribution in the population, sex differences, where they run from and to and so on. We have collected these data both in 1967 and in 1972. They are available now to you for those periods.

The essential and central facts of them are contained in my prepared testimony. I do not mean to suggest here and now that the Congress has now all the facts it needs, but rather I mean to say that we can demonstrate that it is possible to collect accurate data on runaways, data probably more informative and instructive than the official data and to urge that the Congress continue to mandate periodic data for its information.

I also want to urge that data collection not be limited to surveys of the size and nature of the runaway problem. That mandate ought to be extended to the collection of systematic research and evaluation of programs addressed to the problems of runaways in order to assess whether such programs are actually contributing to a solution or might indeed be contributing to the problem. We now have no such data on the effects of programs addressed to runaways. We have nothing but impressionistic, albeit sincere testimonials about the effects of those programs.

As for other aspects of the proposed legislation, aspects aside from the mandating of data collection, aspects for example that address themselves to relieving the police of the burden for the runaway problem, providing for sheltering and counseling to runaways and their families, frankly we do not now know what effect such programs might have on the numbers of runaways or on the amount of protection runaways might actually get or on the possibility that runaway children and their parents might more easily be reconciled.

One could argue several ways on all of these questions. One could argue that provision of such shelters would either have a negligible effect on runaways or actually increase the number of runaways. One could argue runaways in need of protection would get it as a result of the provision of shelter or one might argue the protection would be provided for just that part of the runaway population who gets protection anyway, as 70 percent do without the provision of shelter or one might argue the protection would be provided for just that part of the runaway population who gets protection anyway, as 70 percent do without the provision of specially supported shelters.

One might argue those in need would not avail themselves whatsoever of such shelter and in fact that the establishment of such shelter homes would actually put runaways in greater jeopardy than they are now. All of these are arguable propositions about which we have no data but which we need very badly in order to determine what direction programs ought to take in this area.

One might argue that relieving police and other authorities of the burden of runaways would make it possible to serve runaways better, or that relieving the police of such responsibility would mean that approximately 13 percent of runaways who are now apprehended and returned to their communities by the police would in the absence of such police authority join the 6 percent or so of runaways who never return home.

As I say, we do not now know which of these effects will ensue from programs. We don't know under what conditions which effect or another will ensue. Unless we study these programs systematically and intensively, I submit we will never know.

That is the close of the initial statement I would like to make, sir. Dr. Reimer and myself will be glad to answer any questions you may have.

Mr. HAWKINS. Dr. Gold, I did have the opportunity to read your prepared statement. It would indicate that you believe that this is not as large a problem as some generally believe it to be. I suppose you base that on the survey which you conducted. I was wondering how you came to the conclusion that about 6 percent of the adolescents ran away from home from May 1969 to May 1972.

Dr. Gold. We asked this representative sample of about 1400 adolescents whether indeed they had run away in the 3 years previous to the time of the interview.

Mr. Hawkins. Let me get you straight now. You asked this sampling—how did you get the sampling you asked?

Dr. Gold. The sampling was selected on the principle that every youngster residing in the contiguous 48 States would have an equal chance to be interviewed by us. We started by making random selection of counties, within the counties, census tract blocs, and within blocs, household units. We knock at the door of those household units to discover whether a youngster of 11 to 18 resided there. If one does, we conduct an interview with the youngster apart from the parent that may last 1 hour or 3 hours, however long it takes and during the course of that personal interview, we ask the youngster many things during the course of which we ask if he has run away in the last 3 years.

Mr. Hawkins. And this was 6 percent of the subjects in that sampling?

Dr. Gold. Yes.

Mr. Hawkins. It was on this basis you determined that only 6 percent ran away by their own admission?

Dr. Gold. Yes.

Mr. Hawkins. Do you believe that to be scientific or reasonably accurate?

Dr. Gold. Yes, we believe that is a representative sampling of youngsters in the age group. We believe and have evidence the youngsters are telling us the truth.

Mr. Hawkins. What evidence?

Dr. Gold. We have validation studies in which we know ahead of time what offense these youngsters have committed, whether they are known to the police or not.

Mr. Hawkins. Not those included in the sampling?

Dr. Gold. No, sir, these were separate, special validation interviews with selected samples.

Mr. Hawkins. What offenses do juveniles commit to help you to relate that to the figures included in your sample.

Dr. Gold. The youngsters we need for validated interviews were selected on a base to include all types of youngsters, so we feel we can generalize from what we consider their truth telling to the truth telling as a whole. As a confidence that when asked about their delinquent behavior, under the conditions of our interview and especially when asked about their running away, the youngsters tell us the truth.

Mr. Hawkins. You have more confidence in people whether young or old telling the truth than I would.

Dr. Gold. It is not necessarily confidence in that we just believe them, we have information on the validation samples independent of the youngsters we interview about what they have done. Then we compare what they tell us with what we already know. We find that doing that, 70 to 75 percent of the youngsters tell us the absolute truth, everything we know, they confess.

Another 10 to 15 percent hedge a little bit but substantially tell us what we already know. From 10 to 12 percent lie. There is a little concealment, however, about running away. That is one kind of delinquent act——

Mr. HAWKINS. Can't we differ on what constitutes running away? For example, I live in a neighborhood in Washington where two youngsters were missing for several nights. Their mother spoke to me about it but told me not to tell anyone. She didn't want it known. I am sure there was no record made of this. The youngsters just stayed out for several nights. She asked me to let her know if I saw them in the neighborhood, or had any reason to know of anyone who had seen them. If they had been included in this sample, how would you know of this?

Dr. GOLD. Probably in all likelihood, Congressman Hawkins, they would have said they ran away when interviewed by the woman who would have interviewed them and asked the specific questions we ask about their behavior. I strongly suspect those girls would have told her about that experience and that they would be included in our data on running away.

Mr. HAWKINS. You also mentioned that there was not sufficient indepth data on the effects of programs now operating. Are you saying that there isn't enough known about the problem and the operation of the programs today to say that certain programs have been reasonably successful and others have not?

Dr. GOLD. Yes, that is what I am saying.

Mr. HAWKINS. It isn't possible to conclude that some have proved to be successful?

Dr. GOLD. I do not think we now have the data systematically collected and interpreted to come to such conclusions.

Mr. HAWKINS. You tend to support the idea of doing nothing?

Dr. GOLD. No, sir, what I would strongly urge is that we continue to innovate, that we continue to try promising programs but that when we do, we scrutinize them very carefully and systematically in order to determine as best we can what effects they have as evaluated against the objectives that the program people and the Congress has for them and that we make a determination about how successful they actually are in reaching those goals.

We have not been doing that so far. I believe strongly that it can be done. I think we should do it.

Mr. HAWKINS. Well, I don't know. I said the other day, and I repeat, Dr. Gold, that is what I heard 40 years ago, that we didn't know enough about the problem, therefore we shouldn't spend the money to try to do anything about it, or do very little. The problem has grown in magnitude and I wonder whether we will be saying the same things in this Congress in another 40 years and we will still have the problem around us.

Dr. GOLD. I hope not.

Mr. HAWKINS. I am with you in the collection of data. I think it is very important to do so and I think you have done a job in doing that. However, I think to a large extent programs must be experimental and we cannot afford to not do anything on the basis that we may be wasting a certain amount of the money. I think we certainly need to do something. I agree with you on that. I hope what we are saying today is since we know so little the effects on programs now operating and even the size of the problem itself, that this will not cause us ot not move ahead to at least try to legislate something to get started.

Dr. GOLD. I have said on public occasions elsewhere that I think it would be a big mistake in the absence of knowledge to stop what we are doing but to rather continue what we are doing but to take a look at it. I think that is the important thing.

Mr. HAWKINS. I would agree with that.

Mr. Clay.

Mr. CLAY. Were you present when Mr. Nicholas, the preceding witness, testified?

Dr. GOLD. Yes, I was.

Mr. CLAY. I asked him a question about the legislation being geared to the needs and interests of middle-class youth. Would you agree with his assessment or answer to that question?

Dr. GOLD. The problem of running away is certainly not a problem of middle-class youth. They demonstrate there is no social class differences in the distribution of runaways. In our prepared testimony we present data on youngsters in each of the classes, taking three levels, and we find no relationship between classes in runaways. Poorer kids, lower-class kids are as likely to run away as middle and upper class. So the program addressed to runaways on that basis might conceivably be addressed to youngsters from all social classes.

Whether the particular programs will attract youngsters equally across the board is another question, that would have to be asked based on the particular programs. It may be the kind of program set up in one place would turn off youngsters from one social class or subculture and attract youngsters from another, that depends on the nature of the program. We really don't know that yet.

Mr. CLAY. Do you want to comment on that?

Dr. REIMER. No, sir.

Mr. CLAY. Have you done any research in terms of ascertaining the views and concerns of the parents of runaway youth?

Dr. GOLD. In our national survey of youth, we don't interview the parents but we ask the youngsters about their relationships with their parents. We ask the youngsters about the reactions of their parents when they are returned home, as most do eventually return home.

It is very clear in our data that poor relationships with parents—and this will be of no surprise to anybody—poor relationships with parents have been going on for quite a while and it is a prodrome to running away. It is also clear parents have a wide variety of reactions to youngsters running away when they are returned. Some parents greet their youngsters with open arms, "Thank goodness you are home." Other parents when the kids show up at home say, "Why didn't you stay away," all the things in between, including strict punishment, including beatings, sitting down to talk about it, and going to seek help. The variety of parental reaction is very broad.

Mr. CLAY. Do you have any suggestions as to how we can strengthen this legislation?

Dr. GOLD. Yes, my main suggestion has to do with the part of it which I feel most experts speak to, that is the data collection part. There I would say that first it is important to continue to collect data periodically on the runaway problem. Second, to extend that data collection to the evaluation and assessment of programs.

Beyond that I find I can only speculate in the absence of data. One speculation I would have is to release police enforcement authorities from the burden and power of apprehending youngsters, containing them when they have run away will mean that there is no agency which has a vast enough network from community to community and from State to State to handle that small percentage of youngsters who do go far from home and who would stay there unsupervised and unprotected unless some law enforcement agency could pick them up.

I fear that effect if the police are not allowed to have that responsibility. Although I hasten to add I do not think these children or any children should for that reason be treated as children, housed as criminals and so on.

I think once picked up, they need to be treated benignly and returned to their communities, not necessarily to their families, that may not be the best thing for the child but certainly returned to their communities so a dialog between themselves and their families with some catalytic agent can be started.

Mr. CLAY. If this bill is enacted, what do you think HEW should address themselves to under the provisions of this research responsibility?

Dr. GOLD. What form of program is most appropriate to what kind of kids, for example we have a notion I think in general that the proper thing to do is establish a runaway youth home but it may be that having a gathering place for all the youngsters prone to run away in a community is just the wrong thing to do. It may be that it would be better to have a program where youngsters in need of shelter and protection may be placed temporarily with good whlesome families, preferably wholesome families of their same subculture background where the kids will be comfortable, where they see another kind of family life and they may be heartened by the possibility that there are families that get along well together. But that is speculation.

The thing I would urge is the programs of different kinds of shapes and sizes be started and studied to see when and where and for whom they are appropriate but not to have a narrow view of the runaway youth home.

Let me give you another example, it seems to me it would be a wonderful thing if youngsters did not have to run away from home in order to get away from their families if they felt they needed it. Why must a youngster go miles and miles away from home? Why can't there be an agency and shelter in a youngster's community nearby where a youngster who has had it, rightly or wrongly with his family could go and say, "I have had it. I need help and my family needs help," without having to run away. That is another kind of program that could be addressed in this issue. I guess what I am speaking to is the Secretary of HEW should be thinking with his colleagues about the different kind of programs that may be strated, start demonstration projects and research projects around the country of different forms and then compare them one with another to see which works best and how.

Mr. CLAY. No further questions, Mr. Chairman.

Mr. HAWKINS. Mrs. Mink.

Mrs. MINK. I am interested in a statement you have on page 3, "About 20 percent of all Americans 11 to 18 year old youths have not committed any chargeable delinquent act." I assume from that that 80 percent of all American 11 to 18 year olds have committed a chargeable delinquent act, is that correct?

Dr. GOLD. That is correct.

Mrs. MINK. What do you mean by a chargeable delinquent act?

Dr. GOLD. I mean something which, if the youngster was caught by a law enforcement agent, he or she was liable to the sanction of the juvenile justice system, that these are the kinds of things that other youngsters having been caught have been subjected to sanctions for by the juvenile justice system.

Mrs. MINK. What kinds of acts are you talking about: missing school, writing on a wall, spitting, or what? I don't understand what you mean. All kinds of acts are antisocial and proscribed by the law, but I hesitate to characterize anybody as delinquent if they do these things at age 11.

Dr. GOLD. I agree with you. What is included among those are things like truancy, property destruction—minor or major—anything for which a youngster might be liable to sanction, and where it is demonstrated that other youngsters have been.

I should point out we do not label 80 percent of the youngsters as delinquent in our research, even though we know that they have committed a chargeable delinquent act. We take a different view of delinquency. We think of it as a matter of degree. It goes from nothing to a very great deal, depending on the individual.

Mrs. MINK. So unless you are very careful in the kinds of things you used in order to make a measurement to come up with a statistic that says 80 percent of all American youth between 11 and 18 have committed a chargeable offense, and then to say provided you have run away, the percentage is 98 percent. That doesn't tell you very much in terms of the kind of people you are dealing with. I hesitate to bear down hevily upon you, but I can't really see the value of a statement like that; such an indictment of the young people. I am sure we would be characterizing everybody in this room as at some time in their lives having committed a chargeable delinquent act and it serves no substantive value in being able to formulate effective legislative policy.

Dr. GOLD. I quite agree with that, Mrs. Mink. I think the important thing to say is that, and this is what we mean to bring across with this statement, the Congress was interested, as I understand the bill that came to me, in what the relationship was between running away and other kinds of delinquent behavior. What we mean to say with this statistic is that there is indeed a relationship between running away and the degree to which children are delinquent in other ways, so that if you know that a youngster has run away from home, there is a very strong probability that that youngster is more delinquent in other ways than a youngster who has not run away from home.

Now that is a matter of degree, certainly. I think it is important to know that running away is not an isolated kind of behavior and that we should not type runaways as being a particular sort of youngster who doesn't do other things. That would be inaccurate.

Mr. **Hawkins.** If the lady would yield.

You are really saying the runaway problem is not as large as most people believe, but that delinquency is far greater than most of us believe. You have given a pretty good picture with respect to running away, but you have painted a dismal story about being delinquent.

Dr. **Gold.** I should say that given our measure of delinquency as a matter of degree, that it would be fair to say that the degree of delinquency drops off very rapidly in the population, so that, for example, there are a lot of kids who are very little delinquent, and there are very few kids, proportionately, who are very heavily delinquent, so the picture is not as dismal as one might think.

But I think it is also important to recognize that the youngsters caught up in the snares of the juvenile justice system represent a wide variety of degrees of delinquency. These are some youngsters in the juvenile justice system that have committed no offenses at all, and there are other youngsters who have never been caught who are much more heavily delinquent than youngsters residing in institutions for so-called juvenile delinquency.

Mr. **Hawkins.** Mr. Mosse.

Mr. **Mosse.** Doctor, I wanted to concur in Mrs. Mink's objections to some of your suggestions, and so I will tell how I feel about it and what kind of character you are dealing with. When I was 12 years old, I got angry with my father and ran away for 5 hours. When I was about 14 I shot out a street lamp with my bb gun. That would make me a noncharged juvenile delinquent, I assume.

On your graph D, you indicated that 53 percent of the children that had run away—I am directing my attention to the fact we are discussing H.R. 9298, and I appreciate the comments on the responsibilities of the Secretary—but back on the graph, if you take 53 percent of those who run away who return by himself or herself, add that to the 1 percent brought back by an adult stranger, and then 54 percent brought back by authorities, by that I mean any sort of—like a civil authority—wouldn't that be true?

Dr. **Gold.** Almost always police.

Mr. **Mosse.** You take that 53, add one, and it is 54, and another 13 is 67. That means, based on your graph, it may well be that these youth centers that have been established throughout the country may well be responsible for the return of 67 percent of the youth that run away, isn't that correct?

Dr. **Gold.** I guess I don't understand how you come to that conclusion.

Mr. **Mosse.** We had prior testimony that the success of these youth centers have returned back 30 to 60 or 70 percent of the kids coming in there. If it is even 50 percent successful, then all these children coming back by themselves may have come back as a result of the success of a youth center.

Dr. GOLD. I don't think that would be a proper conclusion from the data.

Mr. MOSSE. That is the point I wanted to make. The data is insufficient as to that point. I think that is the most critical part of the data is missing.

Dr. GOLD. Let me point out if that were true it would be reflected in the percentage brought back by an adult stranger. that that percentage is the percentage that might be enlarged if runaway youth centers were effective in returning youngsters to their homes.

Mr. MOSSE. But of course they are only counseling institutions. They do not physically bring back the child.

Dr. GOLD. And the adult strangers involved here can only counsel and advise. They can't force the youngster to return home. They don't have that authority.

The question is would the centers or the programs increase that percentage, and furthermore I think a more important question would be, if the percentage there was increased, from which other category would that increase come? I think the hope would be that it would come either from those brought back by authorities, thus relieving the burden of the police, or from those who never go back, thus increasing the proportion of youngsters who never returned home. That would be one measure of the effectiveness of these programs.

On the other hand, it is conceivable that that percentage would be increased because fewer youngsters would return by themselves or fewer youngsters would be brought back by parents, friends, and relatives, and so on.

Mr. MOSSE. The point of this chart seems to indicate that the level of the efficacy of the youth center programs is sufficiently high to maintain and keep funding them. Just the thrust of your argument seems to be that we should keep a little closer control at least statistically and gather data.

Dr. GOLD. I come to the conclusion from these data that we certainly ought to try other programs and certainly ought to study but I still must demure from your reading of them as saying anything about the effectiveness of them at this time. I cannot see myself how they testify to that but they don't testify against that either. Their effectiveness remains to be substantiated.

Mr. MOSSE. Thank you.

Mr. HAWKINS. Mrs. Mink.

Mrs. MINK. I have a further question. Assuming we were not able to establish with any kind of reliable evidence that these centers were able to do any real effective counseling or psychological support work for the young people or to prevent any reoccurrence of this kind of behavior in the future and the only value that we could substantiate through the existence of these centers by any hard evidence is the fact that these centers did provide an immediate, ready haven, place, whatever, home that the young people could go to in these communities, would that not of itself justify the expenditures which are called for here? Because, as far as I know, Government does not maintain any facility of this kind in any shape or form, local, State, or Federal. So putting aside the necessity of having to find other justifications, wouldn't you say just from a standpoint of the safety of these children, the centers are needed?

Dr. GOLD. Surely if they accomplish only that much, they would be worthwhile.

Mrs. MINK. So what we are debating here in terms of all the other effects are things we would like to add to the quality of the centers if we could but if that is not possible in the funding mechanism, surely the simple fact of the center being there that the child could go to is enough, isn't it? Somehow the word gets around. I have one in my community, Hale Kipa, it is amazing how well known it is in the community. It is simply there and is a place they can go to if they have to.

To say they have the juvenile detention center to go to, the police department, or the department of social services which closes every day at 4 o'clock is not adequate, it is not adequate for an adult, let alone a young person that doesn't understand the system.

I think our discussion of the effectiveness, while it is valuable for our general understanding of this problem, does not really speak to the merits of the bill.

Dr. GOLD. Mrs. Mink, let me ask you to consider another facet of that. Suppose it were true that youngsters, knowing of the existence of such centers, came to them but those very youngsters would be those youngsters who had other places to go and would have gone to them in any case were there not the existence of such centers so that the centers themselves are really adding to the community resources in caring for them or consider the possibility—I have no data on this—but consider the possibility that the youngsters going to those centers are youngsters who would not have run away at all were it not for the existence of those centers but would have stayed at home.

We don't know that one way or another, but the fact that there are youngsters going to the centers tells us nothing about whether they are effective actually in protecting the youngsters. What we are interested in, you and I and others, are youngsters going to those centers where they exist who would be otherwise unsupervised and protected. I suggest we do not know that and we should find out.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. HAWKINS. Mr. Steiger.

Mr. STEIGER. No questions, Mr. Chairman.

Mr. HAWKINS. Just one final explanation, Dr. Gold, in reading your chart, graph D, your percentages add up to 102 percent. I am sure there is an explanation. You seem to give the impression more come back than leave. What is the explanation? Is it an overlap?

Dr. GOLD. When a graph adds up to over 100 percent, it is a rounding error.

Mr. HAWKINS. I just wanted to understand your statistics.

Dr. GOLD. Is is a rounding error.

Mr. HAWKINS. Thank you, Dr. Gold and Mr. Reimer, we appreciate your testimony.

Mr. HAWKINS. The next witness is Capt. Francis J. Daly, commanding officer of the youth aid division of the police department in the city of New York.

STATEMENT OF CAPT. FRANCIS J. DALY, COMMANDING OFFICER, YOUTH AID DIVISION, POLICE DEPARTMENT, CITY OF NEW YORK; ACCOMPANIED BY SGT. JAMES GREENWALD, SUPERVISOR, RUNAWAY UNIT, NEW YORK CITY; POLICE OFFICER WARREN McGINNIS, RUNAWAY UNIT, NEW YORK CITY; AND DETECTIVE JAMES WILLIAMS, MISSING PERSONS UNIT, NEW YORK CITY

Mr. HAWKINS. Captain Daly, will you identify your associates that you have brought with you?

Captain DALY. Yes, I will. I have Sgt. James Greenwald, supervisor of our runaway unit in New York City; Police Officer Warren McGinnis, also of the runaway unit; and Detective James Williams of our missing persons unit in New York City.

Mr. HAWKINS. Thank you. Gentlemen, it is a pleasure to have you. I suppose Captain Daly, you will be spokesman at this point.

Captain DALY. Yes, Mr. Chairman.

Mr. HAWKINS. Your prepared statement will be entered in the record at this point and you may address youreslf to it as you desire.

[The statement referred to follows:]

PREPARED STATEMENT OF CAPTAIN FRANCIS J. DALY COMMANDING OFFICER, YOUTH AID DIVISION POLICE DEPARTMENT, CITY OF NEW YORK

In June of 1972, at the direction of the Police Commissioner, the New York City Police Department's Youth Aid Division established a specialized Runaway Unit to cope with the large number of local and out-of-town runaway youths who flock to New York City each year. For years, New York City has been an attraction and haven for runaways from all over the country, as well as from Puerto Rico and Canada.

The primary aim of the Runaway Unit is to seek out runaways and reunite them with their families, before they become victims of crime or engage in delinquent or anti-social behavior.

Of course, runaways are the concern of the entire Department, and we have formalized procedures for the handling of runaways in our Patrol Guide. However, our Runaway Unit, which is primarily an outreach program, has the specific function of seeking out runaways by patrolling those areas and locations where runaways tend to frequent.

Members of the Unit are not only impacting on the youngsters and parents with whom they are in contact, but are also developing positive relationships with those other youth servicing agencies, both public and private, that are genuinely interested in helping runaway youths. Exchanges of information, lectures and agency referrals are commonplace.

During its year of of operation, the Runaway Unit recovered 323 runaways and effected 31 arrests. The arrests are primarily of adults, who victimize these extremely vulnerable youngsters by involving them in prostitution, deviant sexual behavior, narcotics, and various other forms of delinquent and anti-social behavior.

In my opinion, this is the most serious aspect of the runaway problem. Many of these youngsters are troubled and disturbed to begin with, and when they find themselves in a strange city or locale, they become even more confused. As a result of this confusion, coupled with their immaturity, they become fair game for the smooth and slick-talking pimps and the gentle persuasions of the drug pushers and degenerates, with their kindly offers of a handout, a meal, a night's lodging or a job. The Runaway Unit has found runaways, as young as 14 years of age, working in massage parlors; and it is common to find a female runaway working the streets as a prostitute, with most of her proceeds going to her pimp, with whom she generally lives. We have also had cases of male runaways being kept by adult homosexuals, or loitering on the streets for the purpose of being picked up by a homosexual situation commonly referred to as a "chicken and hawk" relationship.

We also recognize that merely returning a child to a situation from which he fled is not a solution to the underlying problem. For our local runaways, a further investigation of the family situation is conducted by members of our Youth Aid Division. In such cases, where further professional assistance is indicated, agency referrals are made for family counseling or psychiatric therapy if appropriate. In those cases, including out-of-town runaways, where youths cannot or should not be returned home for one reason or another, they are placed in temporary shelters pending follow-up by private agencies, the Department of Social Services or the Juvenile Court.

Contrary to some opinion, we feel that the recovery of runaways is a legitimate police function. Each runaway recovered minimizes their exposure to the streets and the possibility of their becoming crime victims or engaging in delinquent or anti-social behavior. We also see it as a positive aspect of police work, in that we are out on the streets, seeking out runaways and returning them, in many cases, to distressed but grateful parents.

While we are satisfied with our accomplishments, we realize that considerably more can be done. We are certainly pleased that you, our Congressmen, are aware of the scope and seriousness of the runaway problem, and are proposing legislation to deal with it. There is no question that bona fide, well planned runaway shelters will be helpful in servicing runaway youths. We also agree with the concept of a national registry for reporting and servicing runaway youths and their families. The registry should facilitate the reporting, identification and recovery of interstate runaways; and in developing statistics, patterns, etc. of runaway youths which can assist all police departments in planning programs for recovering runaway youths and preventing delinquency, along with the other related problems.

I hope that our presence here today will contribute, in some way to the alleviation of the runaway problem. On behalf of myself and the other members of my staff, I wish to thank you for offering us the opportunity to testify.

RUNAWAY UNIT, WORK VOLUME SUMMARY—1973

	Males	Females	Total
Dispositions of runaways:			
Sheltered (public)	46	93	139
Sheltered (private)	14	20	34
Stranded (lodged)	3	1	4
Returned (parent or guardian)	51	82	133
Totals	114	196	310
Arrested	21	5	26
Assist arrests	5	3	8
Juvenile reports (other than runaway)	3	2	5
Totals	143	206	349

	Runaways by age										
	9	10	11	12	13	14	15	16	17	18	19
Males	3	4	5	10	15	18	29	24	2	2	2
Females	0	0	1	7	19	42	72	38	17	0	0

Residences of runaways located:

New York City	63
New York State (and suburbs of New York City)	53
New Jersey	43
Pennsylvania	25
Connecticut	17
Massachusetts	16
Florida	15
Ohio	14
California	3
Others [1]	61
Total	310

[1] Others include: Kentucky, Maryland, Illinois, Oklahoma, North Carolina, South Carolina, Mississippi, Oregon, Puerto Rico and Canada.

Cases investigated in office and released	114	Court Appearances	30
Approx. Number of field investigations	510	Media Appearances	20
	624		

38 Lectures to public and private groups and agencies in connection with prevention and deterrent efforts.

22 Staff meetings with agency and private groups to establish inter-agency cooperation and exchange of ideas.

RUNAWAY UNIT, WORK VOLUME SUMMARY—FIRST QUARTER OF 1974

	Males	Females	Total
Sheltered (public)	7	30	37
Sheltered (private)	0	4	4
Returned (parent or guardian)	19	30	49
Total	26	64	90
Arrested	6	6	

	Runaways by age										
	6	9	10	11	12	13	14	15	16	17	18
Males	1	1	1	2	0	4	6	7	3	1	
Females	0	0	2	1	2	5	8	16	18	12	

Residences of runaways:	
New York City	24
New York State	10
New Jersey	16
Massachusetts	9
California	2
Ohio	5
Connecticut	4
Florida	2
Maryland	2
Other	16
In-Office investigations	48
Field investigations	148
Total runaways for unit from June 1972 to present	592
1973	310
1974 (1st quarter)	90

Captain DALY. I think my statement is going to change a little right now after this afternoon. Looking at it from a police standpoint, in New York City we formed a runaway unit in 1962. It was at the proposal of one of our officers and was established with a police commissioner.

We were having a problem with youth coming into New York City from out of town, so we felt we should put some people to work in this area and try to do something about the problem. So the work of the runaway unit is pointed mostly at the out-of-town youth that is attracted to New York City.

We wanted to identify them and return them home. In doing this we ran into agencies, a few that were working in this area. There are some that we have established good relationships with in working with youths that were picked up.

The first year of operation we managed to pick off the streets 320 runaway youths. We also managed to prosecute 30 arrests of people abusing our youth in various ways.

It was not uncommon to find a prostitute supporting a pimp, nor was it uncommon to find them involved in drugs, and there was also a problem of homosexuals which would meet youths at bus terminals, offer them a hand and mislead them one way or another.

We also recognize that returning them home was not the complete solution, that most of these youths had underlying problems. Besides the runaway from out of town, we have a local problem which is handled on a local basis, and we have the regular police youth aid division which processes the local runaways, and we use the social agencies which are available in New York City for referrals where there are serious problems.

The out-of-town runaway sometimes is above the minimum age and there is really not much we can do about them in the city. But the people that work in this area have developed certain expertise in dealing with these youths and can talk to them and refer them to social agencies in the city and outside the city.

The bill points out that this is not a police problem, or suggests that the police should not be burdened with this problem. I don't see how the police can be relieved of the problem. It is the only agency nationwide that is on the street and can identify runaway youths. Police experts, one I might point out, written by Kinney, points out police working with juveniles establishes our responsibility in this area of runaway youths.

We feel in New York City we have rendered a service to the youth and to the parents also. The size of our problem is that we have about 12,500 local runaways every year in New York City. From out of town we get another 6,000 reported runaways, and we esitmate there are approximately another 5,000 to 6,000 that come into the city but we do not have a report on them.

It seems that many jurisdictions do not send a missing person alarm across the country on a runaway youth. It may well be the police agency doesn't have any information to base an alarm on. For instance, a child leaves home in California, there may be no indication that he is coming to New York, but that may very well be where he ends up, so California authorities wouldn't ordinarily send the alarm to New York and every other State. They may send it to the local States or closest States to California.

So we don't have records to back up our 12,000 out-of-town runaways in New York. I took the liberty of looking at a national problem. In 1972 from the FBI Crime Index there was 151,000 arrests made of runaways. 64,000 were male, and 97,000 were female. That is the way the runaway problem is running. The trend is more female than males running away, and in New York City it is about 25 percent more female than male. We estimate also that some 20 percent more white than nonwhite.

Will the bill help us? Yes, we think it will help us. We will have agencies available for us to refer youths to. We also might be able to have a national registration center where police agencies can put information into, or runaway youths into this center, and get information in return.

It is difficult to get youths to freely identify themselves. I am surprised we have as much success as we have. The men have been involved in this for some time and they have developed some expertise in this area.

I think that about covers the highlights of the paper that we turned in.

As I explained, there are other people with me and if the committee has any specific questions, we will be glad to try to answer them for you.

Mr. HAWKINS. Let me call on Mr. Steiger. He has not had the opportunity to hear the other witnesses, but he has had the opportunity to hear you, Captain, to ask such questions as he may have.

Mr. STEIGER. Thank you, Mr. Chairman.

Captain, are you receiving any Federal funds at the moment to assist you?

Captain DALY. No, the unit operating in New York City is operating on all New York City funds. It costs us about $175,000 a year for the operation of the runaway unit.

Mr. STEIGER. What kind of local organizations at the present time in the city of New York do you work with?

Captain DALY. We work with all the social agencies, private and public. This runaway unit is working with a private agency. We have gotten most cooperation from a project called YES, it is listed in your book here and it has a Jewish board of guardians. They may be getting Federal moneys. That is the most cooperative one.

We have had problems with these type agencies. As you may know, different agencies have a different philosophy about dealing with youth. One agency will not notify a parents, whereas another agency will. As police officers we feel we have a responsibility to contact parents and notify them of the whereabouts of their children. One agency that hasn't done this, it just so happens that we haven't been using that agency in New York to any great extent.

Mr. STEIGER. The bill as it is before us now says that each applicant eligible for assistance for funding under HEW, "Shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions." What kind of opportunities do you see with that kind of provision?

Captain DALY. It may well result in better cooperation with the police from agencies with the philosophy that I just pointed out. Some of the agencies, as was stated here earlier, are not what you call propolice, and they would rather have police not involved in this situation to any extent.

As I said, I can't picture any real accomplishments being made, or any real dealings with runaway youths without the police having to be involved in the initial stage, identifying.

Mr. STEIGER. Thank you, Mr. Chairman.

Mr. HAWKINS. For the information of the audience, the lights on the clock indicate that a vote is now being taken in the House. That is why certain Members are leaving, not because you, Captain, or any of the other witnesses have made it so harsh on them.

In your statement, page 3, paragraph 3, the last sentence, the statement says,

> We also see it as a positive aspect of police work, in that we are out on the streets seeking out runaways and returning them, in many cases, to distressed but grateful parents.

That statement, I assume, means the particular unit head, among other things, has the duty of seeking out runaways. In what way do you identify youth who are runaways, those that have not committed or are not in the process of committing any type of chargeable offense?

Captain DALY. Under the New York law, if we have reasonable grounds to feel a youth is a runaway, we may question him and bring him before the juvenile court. We do not arrest them. Our personnel have developed expertise in identifying these runaway youths. We frequent the areas they frequent. We know where they go. This is how it comes about. They identify them through their experience and their knowledge of runaways.

Maybe Officer McGinnis could add to that on how he personally spots a runaway.

Mr. HAWKINS. It seems to me you would be stopping a lot of them who are innocent, who are not actual runaways. How do you identify them other than what has been explained and what happens? How many are actual runaways, and how many are merely questioned who are not runaways?

Officer MCGINNIS. We do stop youngsters who it appears are runaways, but on interviewing them it is discovered they are not runaways. We do a great many of those investigations during the course of a day. We try to approach them in as inoffensive manner as possible, introduce ourselves, and explain our purpose. We have little difficulty with that problem.

In terms of how we go about selecting them, we frequent areas we know attractive to runaways, areas in Greenwich Village, the bus terminals, train terminals, Times Square, locations of that nature, which by any name exist in large cities. We don't walk up and down the streets just stopping people. We attempt to see whether youngsters are running, who appears lost. Many who have not been victimized by the streets may be dirty, ragged looking, perhaps carrying clothes, that is commonplace, clothes loose over the arms, in shopping bags. When we observe that, and the youngster apparently has no goal, they are wandering about, we arrive at the conclusion that is someone without a place to go, and he appears to be in need of some kind of help. At that point we approach them.

Mr. HAWKINS. The latter point of the statement says, "Returning them, in many cases, to distressed but grateful parents." How do you determine whether this is the proper thing to do? It may be that they are running away for good causes from parents who are not so grateful and not too distressed.

Officer MCGINNIS. This is one of the points enactment of this bill might relieve. We conduct a rather extensive interview of the child. We are not psychologists, but we are not novices either. We try to determine through the child the nature of the problem at home and, if it appears that the home problem was too serious and we believe that to be true, we will do a number of things. Perhaps we will contact the juvenile authorities of the city concerned and inquire as to whether they have any background or previous complaints regarding this child or family. The juvenile court of the city concerned may have records.

If we feel the youngster is in serious need of help, and the family is in need of help—and I would believe that to be the case in most runaway cases. I don't believe anybody runs away in most cases without cause. We would then, if this bill is enacted, we would have an opportunity to have a place where the child would be cared for and counseled, and that counseling would be followed up in the city of origin, and there would be a connection between the two.

At present we do as much as we can in terms of being sure some sort of help or assistance is offered to the child and the family upon return home. But we do not have any practical means of making sure or enforcing that such a thing happens. We can only counsel, advise the child of their rights, counsel them and try to encourage them to seek help if it appears they really need it.

When we contact the parents, we attempt to counsel them and advise them of the fact help appears necessary and is available. In many cases we go a step further and contact an agency in the city concerned if it so happens through our own dealing we have knowledge of such an agency.

Mr. HAWKINS. Would it be correct to say that if this bill were enacted, a substantial number of runaways who now end up in the juvenile court system would not necessarily end up in that system but perhaps the case would be disposed of in some other way?

Officer MCGINNIS. Yes, I would hope and believe that that would be the case. I must add at the present time the majority of the youngsters in contact with our runaway unit are not processed through the juvenile court system, it is only when it is an extreme case

In most cases we are able to resolve the problem to the extent of the return of the child. We are able to resolve that on our level and no charge has to be made against the child while in our city.

Unfortunately, when the child returns home we don't know what happens from that time on. They may remain home. They may seek help. They may come before authorities at that location. Certainly if a petition has been made in the city of origin and a warrant issued, or a pickup order has been issued, the child will come to the attention of the authorities at that level. We are arresting them from the street and returning them to the families. We try to do it without any charges.

Mr. HAWKINS. At what point are they recorded and given a record? If they return to the parents and not to the courts, is a record made of that?

Officer MCGINNIS. A record for establishing our productivity is maintained. We know who we pick up and who we returned. No criminal charge or criminal record is kept, only a juvenile report.

Mr. HAWKINS. Mr. Mosse.

Mr. MOSSE. Are those records confidential?

Officer MCGINNIS. Absolutely.

Captain DALY. By a Federal court order which we got involved in recently.

Mr. MOSSE. Two questions: Dr. Gold tried to establish, your immediate predecessor that testified, that there is a distinct relationship between a runaway child and a so-called act of delinquency. Have you found that to be true? The mere fact that a child runs away from home, does that mean he will go out——

Captain DALY. I think Dr. Gold was getting at something in the delinquency field that has been said for many years. I have heard it said that most people have committed some kind of act that they would be answerable to a court for. I know I have in my youth, as you also admitted, and I think this is what he was trying to bring out. I will leave it go at that.

Mr. MOSSE. The followup question to that, my only other question, you said in your statement that there are instances when you refer runaway youths to various agencies in the city and you get a certain amount of cooperation from them. What is the reoccurrence—I am sure you keep records of that—what is the reoccurrence of kids who may have come out of one of those agencies as to being picked up again?

Captain DALY. If you are talking about the out-of-town youths, I would say that it is very slight reoccurrence. Now the local youths are something else again. A runaway youth, from my experience, unless he gets very good counseling and assistance, he remains a runaway youth for not once or twice, it goes on and on until some real strong kind of assistance comes to that family.

I will say local runaway youths, we have a problem with recidivism in that area.

When a referral is made to an agency to establish it concretely is another problem. Referrals to agencies sometimes are initially started and suddenly disappear and deteriorate. All kinds of things come into play, but we feel that in our dealings with runaways or referrals to social agencies that a new referral to a social agency is the epitome of engaging in juvenile work in a police agency. If they can establish a bona fide cooperating referral to an association with youth, where they are getting assistance, we feel it is a good job done.

Mr. MOSSE. Thank you.

Mr. HAWKINS. Captain Daly, I would like to thank you and your associates for your testimony. I think you have been most helpful to the committee, and certainly your remarks on the bill and how some collaboration can be built in has been very instructive.

We appreciate your taking the time to come down and testify.

Captain DALY. Thank you, Mr. Chairman.

Mr. HAWKINS. The next and final witness is Mrs. Gerda Flanigan, formerly executive director of Looking Glass Runaway House, Chicago, Ill., and Mr. Bruce McQuaker, associate executive director, Traveler Aid Society of Chicago.

I recognize you as having been in the hearings before and you certainly appear to be a rather dedicated witness.

Mr. McQuaker, I understand you will lead out.

STATEMENT OF GERDA FLANIGAN, FORMERLY EXECUTIVE DIRECTOR OF LOOKING GLASS RUNAWAY HOUSE, CHICAGO, ILL., AND BRUCE C. McQUAKER, ASSOCIATE EXECUTIVE DIRECTOR, TRAVELERS AID SOCIETY OF CHICAGO

Mr. McQuaker. Thank you, Mr. Chairman.

I believe you have copies of my written statement. Primarily I have been critical of the bill mainly for what it does not do. I believe you mentioned at the beginning this was only a preliminary type of thing. It did touch on the whole area of children's rights, which I believe is relevant to this bill and much of the legislation being considered in the area of runaways and children in general.

I have made some comments particularly in support of the alternative youth agencies in conjunction with the so-called established social agencies. I think from my experience coming out of the establishment field, so-called, to have learned to appreciate the contributions that the young people in the alternative youth agencies have provided and the impact they have in fact had on the social service systems in the country.

I myself have had to change rather drastically in the treatment of children out of this experience, particularly in view of the fact it has been our impression many of the runaway youth could not be categorized as emotionally disturbed in the traditional sense of that, but are troubled just the same and need some kind of immediate response if they are to go on with some kind of healthy development and adult adjustment.

To underline again, I think the centers this bill would help have helped many of us see that we have in the past been quite passive and rigid in relation to dealing with these particular children.

To anticipate some questions which may come up, I think there has been some reference that some of the agencies have been antipolice and antiparent. I think in the early years of their early development this was true, but I think there has been a change, and they are now particularly focused on the interests of the children involved.

I must also say that a bill of this kind or any legislation is long overdue. Many of us have seen programs developed and researched and having proved somewhat successful only to have to close our doors because of lack of funds, either private or governmental.

In fact, recently our national office, Travelers Aid ISS, was interested in what happens when the child returns home. This bill is particularly important to us since the bill refers to aftercare and, other than the system of 82 agencies of Travelers Aid across the country, there are few systems available for the aftercare that would really make or break some of the initial efforts made from centers that deal with runaway youth when they are first seen.

I guess the thing that disturbs me the most in the whole element is that, if something isn't done, we will continue to see the increase in crime. As a therapist who has dealt with children for many years, I know this is only one symptom in a long continuum of symptoms and, if this isn't dealt with, in most cases a more severe symptom will evolve until the youngster is responded to.

We know that drug deaths are increasing in parts of the country in the young population. We know alcoholism is increasing in the same population, and I feel the runaway population is increasing even though youngsters may not be moving as far away as in the past.

I hope this is only a beginning step in developing comprehensive legislation which would respond to these young people and allow for a very flexible approach which would include both the criminal justice system, the private field, the public field, and the relatively new youth alternative agencies.

I would be glad to answer any questions.

[The written statement of Bruce C. McQuaker follows:]

STATEMENT OF BRUCE C. MCQUAKER, ASSOCIATE EXECUTIVE DIRECTOR, TRAVELERS AID SOCIETY OF CHICAGO

Mr. Chairman, my name is Bruce McQuaker, and I am Associate Executive Director of the Travelers Aid Society-Incorporating Immigrants' Service League of Metropolitan Chicago. I am grateful to be extended an opportunity to exercise an advocacy role in relation to the Runaway Youth Act HR 9298. To augment my remarks I have forwarded to the committee and staff 10 copies of our research study on the Looking Glass Runaway Center in Chicago, Illinois entitled "Through the Looking Glass: Reflections on Runaway Youth." This study was conducted by Ann E. Fortune, currently a student at the University of Chicago, School of Social Service Administration, and by William J. Reid, DSW, Professor of Social Work, School of Social Service Administration, University of Chicago.

For more than half a century Travelers Aid Societies throughout the country have been available to and utilized by runaways-both children and adults. The bibliography of articles included in the research include articles written in the 1930s and 1940s, many of them out of Travelers Aid Societies. The findings in those years are similar if not duplicates of many of today's findings.

Before addressing myself specifically to the bill, I would like to make some general comments concerning the problems of runaway youths. The action of running away is merely a symptom. It is perhaps unfortunate that all young people who have taken this action are grouped together. We have identified at least five reasons for running away: 1.) Running way is a result of intolerable family discord. 2.) Running away is an attempt to escape environmental disruption. 3.) Running away is an extreme adolescent reaction in response to psychological upheaval, a normal phenomenon in adolescent development. 4.) Running away as a reflection of maturational drive, the adolescent attempting to establish himself as an individual by a physical separation from his family. 5.) Running away as acting out behavior, a reflection of psychologic pathology having adapted a symptom credible by virtue of its frequency in the population.

To most people the action of running away is viewed as negative and anti-social if not criminal. As we have viewed runaways over the years, relatively few are attempting to destroy or escape their families, but rather are positively motivated and are attempting to bring about pressure for constructive change in family relationships. Running away is often viewed as a crisis and because of society's view of such behavior a response is inevitable. If handled punitively, the situation is usually worsened. In our experience in Chicago we have found that with the help of concerned third parties, parents and children more often than not will reopen communication instituting substantial changes in the family system, thus creating improvement for all.

Many claim that the American family system is crumbling. I do not adhere to this. However, I do believe that the character of family life has and continues to change. Numerous studies point out that we are a mobile population. We no longer have traditional neighborhoods nor close geographical proximity to the extended family, a system which saw many of us through one crisis or another. Mobility is encouraged in our society. Transplanting one's family for the purpose of economic advancement is common place. Fly now pay later is thrown at us daily via the media. Where financially feasible, students attend universities the farthest distance from their homes as possible. Mobility, therefore, has a legitimacy. It should not be strange then, that youth should adapt this action as a means of coping with their problems. The Travelers Aid Societies throughout the country have, of course, attempted to advance the legitimacy of mobility for many years.

A second fundamental issue receiving increased attention concerns childrens' rights. A national review of childrens' rights has long been overdue. In fact, it is the feeling of many, that children represent the last vestige of slavery in this country, for no other group is so totally vulnerable to the dictates of others except perhaps those who are encarcerated in penal institutions. While adolescents are loved by their families few are respected and even fewer are permitted individual dignity. The older generation cannot seem to understand why adolescents are so troublesome and unhappy. As a therapist of children, adolescents, and families I have seen how conveniently the adult psyche is able to set aside painful memories of their adolescence while remembering the care-free enjoyable moments. Today's young people are under greater and unique stress than any generation before them. As difficult as the depression years were for many, support systems remained intact and common suffering of the population helped to make it bearable. Today's adolescents are materially well off, for the most part, and so they have turned their energies not only to their own futures but to that greater intangible—the human condition. They have the greatest stake in the future and being better educated and more sophisticated are demanding a more prominent place in our society.

Federal and state laws have long established the dictatorial right of parents over their children. While this type of legislation may have been appropriate in its time, it is no longer. Unfortunately, the childrens' rights controversy has taken on moral implications. The term "generation gap," an overused generalist term, basically refers to the struggle between the old and the young to unify and bring about constructive social change.

Having made these general comments, I would like to turn to the bill before you, HR 9298. The Congress is to be commended for turning its attention to this problem. It is long overdue and many of us who deal daily with the problem have suffered great frustration but not nearly as much as the young people for whom help has been so scarce. Under the heading FINDINGS AND DECLARATION OF POLICY, the mood of the bill is established. The language of this bill essentially reenforces the concept of dictatorial parental control. While society is correct in expecting parents to be responsible for their children, indiscriminate control, in fact, encourages child-parent conflict. Legislation labeling the behavior of running away as criminal, encourages the concept that parents are always right and children are wrong, or are not capable of discerning the impact of negative living conditions-economic, and/or psychological. Indeed, in our Chicago experience we have been impressed with the ability of today's youth to perceive quite accurately unfortunate conditions they are forced to survive in.

As stated under Section 2 (2) the problem is not well defined but I would suggest that statistics will not resolve the question. In fact, there are already in existence adequate statistics to confirm that we have a national crisis. I cannot understand why the Congress continues to allocate precious funds for more statistical gathering, while denying funds to examine the causes and develop solutions. Indeed many counseling efforts have failed for the very reason that in depth understanding is not available. Perhaps even more shocking is the fact that are material produced in the last several years, as well as in the 1930s and 1940s, sighted in the research bibliography, has been so blatantly ignored. Program after program, particularly those of the alternative youth services, have demonstrated that the adolescent is desperately attempting to find a living situation which will bring him into greater harmony not only with himself but with the society in general.

This bill refers to detaining and returning runaways. Understandably we are all desirous of reuniting stronger families. However, too many situations require real change before return is appropriate. Why have so many young people taken such extreme and frequently dangerous action? Far too many see little hope with their families. They are desperately in need of an alternative. Too many are justified in seeking something better than they have. We all have a responsibility to identify these situations realistically, and when indicated provide something better. Where is the right of the child to expect something better from his family and/or environment recognized?

Under title I Section 101 (a) and (b) one again sees the method of providing funds based on statistical reports and rules, regulations, standards, and procedures, which all too frequently destroy the help intended by the legislation. I have often wondered whether procedures set up by the bureaucracy is not more for the benefit of the computers than for the population it claims it wants to help.

Support needs to be provided to ensure good programs at the point the youngster seeks it. This is usually in the larger urban areas. Follow up services acceptable to both the youngster and his family is even more essential. Innovative services need moral and fiscal support to complete the work started by the young runaway himself. We have seen thousands of young people, who on their own initiative seek and utilize help, but who when returned to their own communities have either inadequate services or none at all.

Many of us in the private field are pleased to see that we are being increasingly recognized and we are being more specifically mentioned as intended recipients of federal funds. Obviously as a member of the private agency sector, I support this trend. However, I must honestly say to you that in relation to runaway youth or even youth in general, considerable revamping of approaches is indicated in the private sector as well. I am particularly impressed by the success of the alternative youth serving agencies who are not only more widely used by the youth population but as demonstrated in our research have in all probability been more effectively helpful. The most successful programs have been the combination of these youth groups utilizing some professional advice and support. The Looking Glass Program clearly demonstrated this despite the fact that administratively there were serious problems. The administrative problems, however, at least reflected an attempt to work together. That work is far from finished. To develop this further it was many of the young college students of the 1960's who accused the private and public sector of being inadequate, especially to the problems of the nation's youth. They were correct. The young volunteer paraprofessional in our opinion is perhaps the most single crucial component to a successful helping operation. Any legislative attempt to address itself to the runaway problem should clearly address itself to supporting and encouraging the combination of young seeking an active social role and the professionals who would be wise to update their approach. We must continue to struggle to bring together the old and the young in a united effort to improve the condition of life for us all.

Title I Section 101 (b) is particularly frightening to those of us who over the years have written and presented applications to government. Since this bill is concerned for a very special group in the population, innovation is necessary. That innovation should start by establishing a commission or panel of professionals and lay leaders involved with the runaway problem who could more adequately than the bureaucarcy design standards and guide lines to make the intent of this legislation truly successful. Similarly, the screening of applications for funding could better be evaluated by a similar group. Such a group would have more concern for the children to be served than the too frequent interest of the bureaucracy and political system.

Let me now turn to Title I Section 102. The concept of single housing facilities is suggested. I would again direct your attention to the research submitted on the Looking Glass program. Foster homes were utilized rather than group homes. Group homes will be necessary, however to exclude the option of using temporary fosterhomes would deny the need of many young people for a more concerned individualized approach. There are large numbers of young families who would welcome an opportunity to participate by making their homes available and who as individuals themselves have demonstrated in many programs that through individual concern real help of a lasting nature can be accepted by youth. Once again such a system has been proven and yet this legislation ignores it.

It is particularly satisfying to see that there is an attempt to remove the runaway problem from the law enforcement system. I do believe, however, that inadequate response to the runaway will lead to more serious delinquent behavior and the helping professionals and the law enforcement systems need to find fresh innovative ways of working together. I would hope that in no way does this legislation imply that there is no room for the criminal justice system to constructively participate in developing exciting and fresh approaches.

I have already made reference to follow-up care. Recognition in the bill is encouraging, however further legislation should be developed to ensure the continuation or creation of such services. I say this particularly in light of the fact that many social service agencies, both public and private, are shrinking because of lack of support, particularly from the federal government.

Sadly, few states are allocating funds to the social services. Many of us hoped Revenue Sharing would help, but the results have been disappointing. The limit of 2.5 billion dollars established under Title III of the State and Local Assistance Act of 1972 have hurt a majority of social service programs. To make matters worse, inflation, the economy, HR 13270—Title I of the Tax Reform Act of 1969 have made the private philanthropic dollar increasingly scarce.

Finally, and perhaps as could be expected, the fiscal allocation is far from adequate. Successful programs will require not only volunteers but adequate professional staff and facilities.

It is estimated there are at least one million runaways per year. Allocating $10 per head, considering the seriousness of the issue, puts a low value on a group we should consider a national resource.

The increase in mental illness and crime is a reflection of inadequate past efforts, yet we continue the trend. Given current Congressional efforts, I predict things will further deteriorate.

It should be clear that while we support the idea of such legislation, the bill before you (in too many ways) is poorly conceived. It is hoped that as a result of these hearings drastic revisions will be made and we can all be proud that as a nation we will truly exert our efforts and resources to help those who are calling for just a little help. America's youth cannot afford another disappointment. Thank you.

Mr. HAWKINS. Thank you.

Let's hear first from Mrs. Flanigan, and then we will question the two of you.

[The written statement of Gerda Flanigan follows:]

STATEMENT OF GERDA FLANIGAN, EXECUTIVE DIRECTOR, RUNAWAY SERVICES DEVELOPMENT ASSOCIATION

I am Gerda Flanigan, Executive Director of the Runaway Services Development Association, a recent creation of the Youth Network Council in Chicago, Ill. The Youth Network Council is a confederation of roughly forty youth serving agencies who are innovative and community based. In addition, I am the Region V representative of the National Ad Hoc Coalition of Runaway Centers, founded this year. In 1969, I was the community co-founder of the Chicago runaway program known as the Looking Glass and the Project Director of the same organization after its formal affiliation with Travelers Aid Society of Metropolitan Chicago in 1971 and until the program closed for lack of funds in 1973. I have been a Registered Nurse for sixteen years. Most importantly, I am the mother of three children and the foster mother of several ex-runaways who were placed under my care by the courts.

I feel competent and qualified to offer my personal and professional experience of the last four years in general support of this legislation. Even though I support this bill H.R. 9298, I wish to raise questions concerning certain portions of it.

I find lack of clarity in determining who within HEW would have the responsibility for the administration of funds and programs under this Act. Will unilateral decisions be made under existing structural options, or is there a mechanism by which joint decisions can be made? Will people who are involved directly with the runaway population be afforded the opportunity to participate in the HEW decision making process? Is there some indication that governmental bodies are indeed interested in involving non-governmental personnel in these processes?

In this bill, as well as in others I have reviewed, I find the use of language particularly limiting. From my point of view, wherever the words "Runaway House" appear, the words "Runaway Program or Center" should be substituted.

The reasoning behind this is that non-residential centers, as well as residential, need to be considered within what we hope to see as comprehensive coordinated services to runaway youth and their families. Other components would include provisions for physiological needs, counseling needs, transportation needs, medical needs, vocational needs, educational needs, recreational needs and the need for legal assistance.

For you see, we don't only work with runaways. We also work with disenfranchised and alienated kids who, if not assisted, have the potential to become drop outs, drug abusers and delinquents. *Runaway*, I think, is really a misnomer. Actually, *runaway* is a frame of mind, which is sometimes acted out on one's feet, sometimes in other ways.

"Runaway" youth in my experience are really not delinquents. They are young people who are experiencing family conflict and who are unable to cope in that family situation. When they "split" they are generally unprepared for coping on the street either. That of course is a general statement, which does not apply to every young person who ever left home. It does apply to youth who show up at runaway programs and other youth centers, however.

Furthermore, I am concerned that by limiting appropriations specifically to the development of "Runaway Houses' instead of "programs," an institutionalization process might be perpetuated. It appears to me that institutionalizing the runaway phenomenon would be counter-productive to the thrust of this legislation.

In (3) of Sec #102, I take issue with the phrase "insuring his safe return, etc" and offer as an alternative the phrase "insuring an early resolution of the enitre situation and in encouraging, etc." Our experience has shown us that effectiveness is not simply measured by early return of children to homes from which they originally ran. It is not always in the best interest of children or their families that the child be returned, although this may appear to be the situation in the majority of cases. I point this out only to make clear that in a minority of cases, as the courts agree, foster care or some other out-of-home placement may be indicated.

I find that the guidelines set forth in this bill dealing with goals are more realistic than in other runaway bills I have reviewed. I am concerned, however, that the provision for insuring proper relations with law enforcement personnel, under Title I, Section 102 (4), is in need of clarification. While I support the context of the provision, my concern lies with how to achieve "proper relations" with law enforcement personnel. With most youth serving agencies already considered suspect by police departments, I would hope that this legislation would not tend to reinforce these already reluctant attitudes either on the part of personnel within the programs or on the part of police departments across the country.

I support (6) of Section 102 concerning client confidentiality. I strongly suggest that the phrase "parental consent" be changed to read "client consent" in order to insure the rights of the individual. This would also be helpful in terms of developing a stronger trust relationship between clients and program personnel.

In Section 104 of Title I, I would agree with the goals so stated and find them to be concurrent with most existing centers with which I am familiar.

Section 107. I wish to state that the budgetary provision under this section for purposes of this act appear more fair and realistic than others which I have reviewed. However, in this bill and in the others, I question whether a ten million dollar appropriation is sufficient to make a significant impact in solving this problem nationally. In addition, I am concerned that, should this bill be enacted into law, other federal agencies who have heretofore been willing to assist in at least partial funding will no longer be willing to do so. Also, I am not clear as to whether or not funding secured under this Act will be considered supplemental to other budgetary provisions at the local level or will indeed supplant other funds which might be obtained.

I also seriously question how many direct services could be offered in the development of *comprehensive services* with a $50,000 budget. While this may be possible in some of the less populated areas, I do not see the feasibility of such fiscal limitations in the larger metropoiltan areas where it seems most runaways tend to congregate.

In reference to Title II, concerning the appropriations for a comprehensive study, I would emphasize that, in addition to conducting more primary research, the Secretary of DHEW should be ordered to conduct a national compilation of existing studies and information. A collection of this existing data would prove to be invaluable in future fiscal and program planning around issues which concern young people. Accordingly, I am submitting for this committee the *National Directory of Runaway Centers* prepared by the National Youth Alternatives Project.

I have been requested to describe the Looking Glass program and some of the difficulties it encountered, with emphasis given primarily to the problems with funding, problems with the police department and problems with the community.

Originally, we started out on an all-volunteer basis in November 1969. Our intent was to develop a system of self-help services for adolescents which would be available on a 24-hour a day, 7 days a week schedule. Although many people were excited and supportive through out intensive public relations efforts, private funds were not easily secured and we had neither the staff nor the expertise to write grant proposals which might have been accepted by Federal or State agencies. It should be pointed out that although Chicago generates the largest number of dollars nationally from the private sector, most of these dollars are invested in supposedly "tried and true" approaches. This precludes, for the most part, the funding of creative, innovative and generally what are considered high risk programs. (See column, Chicago Today, September 26, 1973, by Jack Mabley.)

In the beginning, the Looking Glass Program was technically operating illegally. Although we never housed a minor client without permission from parents or guardians, we learned we had no authority to place children at all without securing a license from the State of Illinois as a child-placing facility. Upon inquiry to the State authorities concerned with child welfare statutes, we learned that we could not secure the appropriate licensing without an established sponsor, a sound fiscal base and certain professional staff in order to meet standards.

At the same time, the program, while generating considerable interest in the professional community, was also under considerable criticism by the Chicago Police Department. During that year (1969) youth serving programs were generally considered suspect and we were no exception.

To further complicate the issue, clients were applying for services at a phenomenal rate. During this early developmental stage, the three founders, of which I was one, had established contact with the Travelers Aid Society and had developed an informal affiliation. Initially, the affiliation involved primarily the referral of out-of-state runaways. Travelers Aid worked cooperatively with our volunteers in the development of individual plans which were in the best interests of the young people and their families.

As our funding and legal dilemmas became more evident, we were approached by the executive staff of Travelers Aid Society to work jointly with them. We saw that our loosely organized helping service needed to be funded, legitimatized, licensed and recognized in order to meet the needs of the clients applying for help. This indeed did occur, but not before fifteen (15) months had passed. We applied for and received assistance from the regional office of the Law Enforcement Assistance Administration in developing our first grant proposal for seed money. The application was submitted in July 1970, but the funds for a six-month grant were not received until State and local processes had occurred, a series of procedures which took eight (8) months.

Almost immediately upon receipt of the initial six month "seed money" grant, we were able to apply for and receive a licenes from the Illinois Department of Children and Family Services as a child-placing agency under the auspices of the Travelers Aid Society, and in conjunction with the Department of Human Resources of the City of Chicago. We were then informed that, in order to guarantee continuation of funding beyond September 1971, we would need to re-submit an application for funding through the State planning agency by the end of April. In order to do this, it was necessary for much of our proposal to be based on speculation and projection. However, this was pointed out to the funding agency at the time of submission of the application. It again took a full six months to complete the review processes working in conjunction with the Department of Human Resources, various administrative staff committees, task forces, commissions and the State, County and local planning agencies. Had we not had the expertise of the Travelers Aid Society in developing this application, it is highly doubtful we would have received this funding.

Our first full year action grant was approved, however, with our fiscal year running from October 1, 1971 to September 30, 1972. Concurrently, we were attempting to work out staff relationships with the Police Department. After nearly one year of negotiations with ranking police officials and area leadership, we were able to work out written agreement by which we could function effectively within the framework of the law. There still remained the problem, however, of the attitude of the local youth officers toward a program of this nature.

As early as April of 1971, we attempted to work through this problem by establishing regular group discussions involving members of our staff as well as members of the Police Department at the area and beat officer levels. We continued this process for about a year and found that it was indeed helpful in alleviating both staff and police personnel anxieties about one another.

In addition, in order to develop further police-community relations, we involved ourselves in a citizens' advisory group known as the 20th District Police Steering Committee initiated by the Chicago Police Department. The purpose of this Committee was to form a coalition of groups who were interested in promoting better police-community relations in a variety of ways. This included the initiating and implementation of monthly workshops throughout the district which were in the public interest and would further the goals of the Police Department and the Community. It also included working with the District Commander and the Community Relations Sergeant in presenting programs to the community which would help meet their needs. Another achievement of the Steering Committee was the developmnt of the Inter-Agency Council on Youth, for which I was primarily responsible. The function of this Council has been to work jointly with agency personnel in furthering the goals of solving the problems of youth. It also serves to promote more inter-personal communication between members of the Police Department and agency personnel. As a direct result of these combined efforts, our program had finally reached the level where it was viewed as a resource by the Police Department. While it was not official policy, the police did informal referrals to this program.

Our relationship with the courts was positive, even during the early days of our program. The reason for this receptivity by the courts was the lack of existing resources available to them. It was always an unwritten policy of the agency never to go into court without a definitive plan. For example, we would not ask the court to make disposition involving a temporary custody order unless we had a foster home available. Nor would we ask the court to reassign guardianship to the State without having made a valid attempt to work out this arrangement in advance and to provide back-up services to the State workers once they had acquired the case. However, as you can well imagine, because we were almost always successful in facilitating a plan, we became inundated with referrals from the Juvenile Court. Consequently, for the last year of our operation, we were frequently unable to meet those requests because of shortage of foster homes and non-availability of funds to begin program expansion.

For the most part, Juvenile Court personnel in Cook County, City of Chicago, were very cooperative. They shared the same frustrations as we did because of lack of adequate programs. (See letters enclosed for documentation.)

Concerning the issue of community involvement and support, I would remind the reader that there are a number of definitions of community. For purposes of this discussion, I will use the word community in the sense of potential consumers or existing consumers from whom we were able to get feedback. The community, as a whole, took great interest in this program from the beginning. A good portion of that support was demonstrated by contributors which were applied to the grantee's share of the budget. Documentation of this interest can be demonstrated by the repeated inquiries for speakers to citizens groups, Parent/Teacher Associations, fraternal orders, church groups, school representatives, as well as groups representing professional and para-professional organizations.

To broaden the picture somewhat, I should state that we frequently were called upon to act as consultants to other "runaway" programs across the nation and, in addition, were requested on numerous occasions to conduct training sessions for personnel in other agencies. (Documentation available in Looking Glass/Travelers Aid Society files.)

The only significant problem which I can recall related to the community was one which was resolved through a campaign of public relations. People from neighboring residences were unaware of what we were doing and were reluctant to ask on their own initiative. We became aware of these misunderstandings through feedback from community groups and were able to alleviate the misconceptions by discussing the problem with people either as individuals or in groups.

I feel that it is important to state that the experimental runaway center in Chicago, as well as many others across the nation, has been able to demonstrate unequivocably that these systems of service to runaway youth and their families have proven helpful beyond any of our expectations. According to our research of 1972 (Images In Looking Glass), which was reinforced again in 1973, roughly 85% of our clients returned home. This has shown that indeed our work was effectively directed toward the reuniting of families and the strengthening of intra-family relationships, whenever possible. It has also shown that the young staff, both those who were volunteers and those who worked for subsistance pay, are worthy of recognition. We demonstrated that para-professionals could perform an exemplary job function with a minimum of professional supervision, thereby allowing for the development of a maximum of services, probably at a lesser cost than other non-traditional models of the helping services. (See Research 1972 & 1973 Images in Looking Glass.)

Because of our experience, we have been able to ascertain that the problem of mutual cooperation between police departments and runaway centers while difficult, is not insurmountable. We have further been able to ascertain that acceptance within the community is possible and that the court systems and centers such as these useful tools in the resolution of family difficulties. In the four years of our existence, we served over 3,000 young people and an unknown number of family members who might otherwise not have sought help.

I listened with great interest on April 24th to the testimony being offered to the subcommittee concerning the "Juvenile Justice and Delinquency Prevention Act of 1973" (H.R. 6265 reintroduction of S. 821). There was discussion, as I recall, ranging from the scrapping of the entire juvenile justice system to the preservation of the status quo. Somewhere on this continuum, we need to find a compromise position. As I see it now, by remaining societally and legislatively a part of the problem, it is not likely we will find a solution. Rep. Chisolm spoke briefly to the entrenchment of traditional value systems in the delivery of social services. The implications of her remarks were directed toward much-needed social change. Change, a simple word, but a process far more complex than landing people on the moon and probably a great deal more expensive.

It is important for the committee to recognize, I think, that racial change is necessary in our attitude toward young people and their problems. Without this understanding, change will not occur in programmatic levels at any point in any system presently extant.

I have heard a great deal of talk at the Federal and State levels about the need for creative alternative programs for young people. I have also seen damn little done about all that conversation. Alternative runaway programs began to spring up spontaneously all over the country as early as 1967. Huckelberrys of San Francisco was the first as I recall, then Project Place in Boston, the SAJA in D.C., Looking Glass in Chicago, Bridge in Minneapolis, Ozone House in Ann Arbor, Covenent House in N.Y.C. and so on. In 1972 at the first national runaway conference, we learned that there were between 75 and 100 programs operating around the country who defined themselves "runaway programs." In addition, some traditional programs began to add components or to revamp existing programs to help with the growing number of young people appearing on the streets. Free clinics and alternative high schools evolved and began to grow. Alternative vocational projects were developed. Countless numbers of hotlines were organized. The staffing for all these projects in the early days and presently was and is handled by dedicated young people who are either unpaid volunteers, underpaid paraprofessionals or underpaid professionals. These people, and I certainly include myself as one of them, worked incredibly long hours to provide meaningful services to young human beings who showed up on their doorsteps. Our ideas were met with unbelieveable resistance by many traditional social services in the private sector as well as traditional state corrections, mental health and child welfare systems. Some of us were able to find money to keep our programs going. Others died, new ones grew, but always out of the community . . . from the grass roots. We had few skills in the early days, other than an uncanny ability to be able to help young people in crisis. Somehow, we found foster homes where foster homes did not exist, developed linkages with welfare agencies who didn't want to acknowledge us at all and worked with police departments, courts and probation departments in behalf of our clients. Some of us operated loosely within the framework of the "system," others did not, but all of us came into being because of one major factor: No one else was doing anything, and whatever we could provide was better than what was.

A loose, undefined movement of alternative, or what I like to call newly expertise have been learned. There was a time when those in power need not have worried about alternative services, as we did not have the expertise to compete for the limited funds available for services to young people. Such is no longer the case. We have learned to share skills and knowledge among one another and to help one another develop what we need in order to perpetuate services for alienated young people. Our idealism has been tempered to more realistic expectations. Much more needs to be learned, and we are willing and eager to learn. Also, we are ready to teach these skills, for no matter what the rhetoric of the large traditional youth serving organizations, young people who are runaways come to us. They know that their rights as individuals will be respected and that we assume a youth advocacy role.

It has been long recognized in the field of helping services that young people who are experiencing difficulty in interpersonal relationships with their families and peers are in need of help. However, it is only in recent years that the helping professions have recognized the importance of youth advocacy roles in working with adolescents. Even with this recognition, there has been little movement on the part of traditional youth services to actualize this knowledge. By assuming this position, those of us in alternative youth services are more quickly able to develop trust relationships with our young clientele. This is reflected in the high percentage of runaways who are self-referred. At Looking Glass Center, two years of study was able to document as high as an 80% self-referral rate. Many of these clients in turn, became the initiators in moving their families into a helping process.

It makes perfect sense to me that young people who seek out and receive appropriate help are less likely to become enmeshed in the juvenile justice system. Obviously, this reduces the likelihood that they will in the future participate in criminal behavior which ultimately burdens the whole of society.

It is not astounding to me that detention and the return of runaways to the original situation from which they ran has not been effective in alleviating the problem.

Nor does it surprise me that many of the young people who, after detention or upon the direction of their parents, are offered help, refuse it. In these instances, the individual rights and needs of the client are rarely considered as important as the needs of his/her parents. Moreover, those who have tried to accept help and found themselves sabotaged in the process of casework, probation, court procedures and sometimes institutionalization are now, with some obvious justification, a segment of our youth population so alienated it is doubtful there is a way to help them. One can only hope that they will find resources on their own which they consider legitimate.

As a citizen, I am appalled; as a program creator, I am frustrated at the lack of human concern shown for young people in many of our nation's institutions. Human rights and dignity seem not to be a realistic expectation for the young.

I am convinced, through my experience, that our runaway young people can and will become useful, productive citizens of our society if they can benefit from help when they need it!

I am convinced, through my experience, that young people can and will make responsible choices concerning their personal lives if given the appropriate guidance.

I am convinced, through my experience, that parents will seek and accept help if their feelings of self worth are reinforced by the people who offer them helping services.

I am convinced, that new innovative alternative programs for youth are effective in delivering services to youth, but will surely disappear without additional funds and technical assistance.

I am further convinced, that our existing social institutions are amenable to change provided there are viable alternatives created and adequate funds appropriated to facilitate this development.

GOVERNOR'S OFFICE OF HUMAN RESOURCES,
Chicago, Ill., July 11, 1972.

MS. GERDA FLANIGAN,
Director, Project Looking Glass,
Chicago, Ill.

DEAR MS. FLANIGAN: I wish to convey my appreciation for having provided my staff the opportunity to review the Looking Glass program.

The contribution Looking Glass is making to the reduction of delinquency is a considerable one. Statistics cannot show the tragedies averted due to your preventive efforts, nevertheless, your contribution must be considered a tangible one in human terms. Implicitly, a major indicator of Looking Glass' effectiveness is found in the fact that the majority of your participants have come to you on their own initiative.

Please be assured of our willingness to assist you in any way. I wish you continued success in this model effort to aid the young people of the community.

Sincerely,

PAUL J. WISNER.

OFFICE OF THE STATE'S ATTORNEY,
Cook County, Ill., July 28, 1972.

MS. GERDA FLANIGAN,
Looking Glass Center,
Chicago, Ill.

DEAR MS. FLANIGAN: I am writing this letter for the information of anyone who should have reason to inquire into the workings of Looking Glass Center.

I am an Assistant State's Attorney assigned to the Cook County Juvenile Court. My primary duty is to prosecute Neglect and Dependent petitions, but I also have handled numerous Delinquent and Minor in Need of Supervision petitions as well. I think that I have had as much contact with Looking Glass Center as any Assistant presently assigned to the Juvenile court with the exception of my Supervisor, Maurice Dore.

In my dealings with the people who work at Looking Glass Center, I have aways found that they work within the letter and spirit of the Juvenile Court Act, showing no more than normal impatience with the inefficiency and confusion found in the Cook County Juvenile Court. They always act in what they feel is in "the best interests of the minor," and I feel their judgment is excellent. Even more important, I have found that the morale of the people at Looking Glass is higher than that of the workers at any other agency I have worked with.

A large part of the money spent on social workers is wasted through bureaucratic immobility. This is not the case with Looking Glass.

I feel that Looking Glass fulfills a need which is not met by any other agency which is available to the Juvenile Court. It is inhuman to lock up teenagers with difficulties with their families in the Audy Home. My experience is that the Department of Children and Family Services finds it difficult or impossible to find foster homes for them. In many cases Looking Glass is often the only alternative to an impossible home situation or the streets.

In summary I feel Looking Glass Center is the most productive way in which money can be spent to help young people.

Very truly yours

KEVIN SWEENEY,
Assistant State's Attorney,
Juvenile Court, Chicago, Ill.

PUBLIC DEFENDER,
Cook County, Ill., July 28, 1972.

To Whom It May Concern:

The Public Defender's Office at Juvenile Court has, either individually or collectively, sought out "Looking Glass" for solutions to problems faced by our clients. "Looking Glass" has, unceasingly provided us with a valuable and innovative source that practically is not available anywhere else in the community. They have presented alternatives, they have given supportive aid, they have given moral assistance and what is so much greater, they have given of themselves. And after all isn't that really they only workable solution to most juvenile pathologies. Of course, we back this group.

There is a dread among us at even the slightest possibility that "Looking Glass" will not be funded or will be cut back, that would be a giant step backward for Juvenile Court. There is a continuing need for this agency in our community and as members of this community we pledge our support. I and members of my staff are ready, willing, and able to testify to the individual wonders, this organization has worked.

Sincerely,

DENNIS SHERMAN,
Chief Public Defender.

I support "Looking Glass"; Its workers and its works.

NORTHERN DISTRICT FAMILY SERVICE BUREAU,
Chicago, Ill., June 7, 1972.

MRS. GERDA FLANIGAN,
Project Director,
Looking Glass/Travelers Aid Project,
Chicago, Ill.

DEAR MRS. FLANIGAN: We at the Northern District of the Family Service Bureau are distressed and concerned to learn that the Looking Glass is in serious jeopardy and that failure to withstand the current crisis conceivably could mean the end of your Youth Service Program.

We feel that the "Glass" provides a valuable and singularly unique service to troubled youth and their families. Your record indicates good success in engaging and serving a traditionally hard to reach client population.

We have referred clients to you in the past and district staff at Northern is well aware of your agency's availability as a community resource.

Looking Glass has our complete support and we hope your project receives the necessary funding; the loss of your services would be deeply felt by the "community" and by professionals who are committed to its welfare.

Sincerely.

(Mrs.) MARGARET PEARLMAN,
District Director.

NEEDY OFTEN IGNORED IN FOUNDATION GRANTS

(By Jack Mabley)

Yesterday I received a letter from the head of a settlement house which has received toys and clothing at Christmas from Chicago Today readers, hoping we'd remember them again this year. They have 25 children who come to their day school usually hungry and ill-clothed. In winter some stay home because they have no shoes without holes.

Yesterday I saw a carload of day-old bread delivered to a building west of the Loop that used to be a church, but now is a place where people come for help. Many can't afford a fresh loaf of bread.

Yesterday a messanger delivered a copy of the latest issue of the Chicago Reporter, a monthly published by the Community Renewal Society to deal with inner city problems.

"No-Risk Grants Typify Chicago's Top Foundations" reads the lead headline.

"By and large, foundation money goes to the tried and true," states the Chicago Reporter. "Chicago's wealthiest foundations—as is true of the nation's—usually support programs of established institutions.

"Innovative ideas or organizations lacking technical expertise in budgeting or proposal writing rarely get foundation support."

Chicago's five bigest foundations have assets of $184,538,934. Last year they gave away $15,305,702. Institutions controlled by minorities received $634,214, or 4.13 per cent of the total.

Lillian Calhoun, editor of the Reporter with John McDermott, called and said they hoped the big papers and broadcasters would get into this discussion. It's a reasonable request.

Criticizing the way people give away their money is a tricky area. It's their money, and we should be grateful they're giving any away.

Ms. Calhoun and the Reporter aren't shrill nor are they really complaining. What they're saying is let's take another look at the way tax-exempt and philanthrophical gifts are handed out.

Well before her material arrived I had been contemplating rather numbly the picture layouts on the super-social opening of the Lyric Opera season and the post-opera ball. The opera is a gem in Chicago's cultural crown. It is 99 per cent sold out, which means that they'll have to raise some $2 million in gifts to keep it going.

Two million for the Lyric is accepted as a legitimate philanthropy by Chicago's wealthy. But how I'd love to take a man who donates $25,000 to the opera on a tour of the back streets of Chicago, and measure his sense of values.

Of course he's probably given $50,000 to the Crusade of Mercy, which helps support the Catholic and Jewish Charities and Salvation Army and Urban League.

Our society has shaped our economics so that most of the needy are minorities. Five per cent of the Community Fund grants went to minority-controlled organizations last year.

Princeton University received $330,000 last year from a Chicago foundation for fellowships. John Hopkins got $266,100 for research on precocious children. The National Music Camp at Interlochen, Mich., received $2,766,854 for student tours and general support.

The Lincoln Park Zoo received $100,000 from a foundation for zoo improvements. [I went to the zoo last Sunday and enjoyed the improvements.] The Art Institute received $205,325 from one foundation, and WTTW got $160,000 from the same source.

Few will argue that these beneficiaries are not valuable assets to our community. But it would take an insensitive person to fail to wonder about the scale of values in determining real need.

The Chicago Reporter prints the names of the directors of the various foundations. They are wonderful, public-spirited men and women who donate endless hours and contribute countless dollars.

But I don't think there's one who's known a day of hunger in his life, who ever walked the streets looking for work, who worried about whether his children could finish school, who had to take a sick child to the County Hospital emergency room.

If nothing else comes out of the Chicago Reporter's plea, let it be an appraisal of the truism that them what has, gets. The neediest have no expertise in drawing up proposals for funding or budgeting. The major beneficiaries have skilled, experienced staffs of fund raisers.

Jack Mabley's column also appears in the Sunday editions of the Chicago Tribune.

Ms. Flanigan. I think I have been fairly clear in outlining my criticisms of the bill. I did make certain recommendations around specific subsections of the bill. I don't think it is necessary to read the testimony, you have it in front of you. I think most important is an attitudinal kind of thing I learned about in the last 5 years working with young people and directing an agency for runaways in particular.

Someone said, "What we need to get legislation passed is another Houston."

Mr. Steiger. Another what?

Ms. Flanigan. Houston. It is interesting you don't remember it.

Mr. Steiger. I do remember it. I didn't understand what you said.

Ms. Flanigan. What we need is money, and we need it badly.

I heard a lot of talk from Dr. Gold about a lot of hypothetical cases of whether things might or might not work. There are a lot of runaway programs around the country. I am speaking in behalf of the Youth Networks Council. These centers have sprung up alternatively around the country and they are mostly grassroots people, volunteers, people that decided they had had it with official services, and they have developed these services on their own. We have done it on very little money.

One of the interesting things we can point out is about 80 percent of the young people coming to us do it on their own. I think that says something for the approach we have been able to use.

I have heard a lot of talk about national commitment to youth, and yet this year I understand there are $75 million authorized by Congress for expenditure on youth, and I undertand the administration requested $15 million. I don't understand what that means.

Then I heard a lot of words about being the most precious of our resources, and I found them a little difficult to believe in view of the past record. But you know we have never been particularly talented at preserving our national resources. It seems the issue is no longer how we help runaways. I think we know how to do that. I think the issue is, is the Government going to help us, and are we going to do it in a coordinated, collaborative effort?

Somebody told me yesterday a lot of people in Congress have said, damned if they would furnish a lot of money for crash pads for kids running around the country. I find that difficult to believe. For young persons and families needing our services no explanation is necessary. For those who have no need, I suppose no explanation would suffice.

There is some sort of myth running around the country that private money will replace Federal money with runaway youth programs. The fact is the Government has done research and demonstration and the fact is only 5 percent of private money around the country that goes into high-risk and innovative programs for youth. That puts us low man on the totem pole, and I suspect lowest in the pecking order of social services as well.

I think this bill is important for a number of reasons. I think it is a formal recognition of a large national problem that affects not only runaway kids but kids with other problems.

I think it is flexible in its adaptation. I think it places emphasis on the need for legislation to help our children, and I think it puts money in to direct services where it belongs.

I think it takes the problem outside the juvenile justice system. I would like to refer to it as the juvenile injustice system.

Of course, you know none of this is going to matter, none of this testimony and none of this legislation, because I don't know, but I strongly suspect, even if this bill is passed here, even when it gets to appropriations I suspect there won't be a heck of a lot of support for runaway kids. I would hope, in view of the fact you people have taken enough interest to promote and support this legislation, you will be a leader in getting this legislation through appropriations.

Someone asked me whether or not LEAA was taking care of the situation as far as runaways are concerned. My response to that—I don't have all the exact figures, but I seem to remember a figure something like $870 million, and 5 percent of that went to youth. You can bet it didn't go into runaway service program.

As you know, with LEAA money there is a block grant system going out to the States. I made quite a point in my testimony to outline the various kinds of steps one must go through to obtain State block money from the LEAA plans. It is confusing and not the kind of thing most of us developing alternative services have been involved in. We find it strange to hear people talking in millions when most of us don't have typewriters, although we managed to borrow one to type our testimony.

Some agencies have been helpful across the country, but for the most part the interest in our services has come from people on the streets.

I think I would like to anticipate some question that might be coming. There was a question about the value of counseling services. I am speculating, but I say, based on my 4 years experience, of seeing young people working with young people, I have been amazed at the sharing in working with young kids. All of us have been in this business since roughly 1967 or 1968. We have been interested in the idea of reconciliation of families. I don't understand how people will feel it was different. If that were the case, why bother with the kids.

There was comment by the researcher there is not enough information available. I find that peculiar. I have been looking at a 2-year collection of data by the Travelers Aid. This is from our program. I know there is more data, but no one has been particularly interested up until this time in taking a look at what we have learned.

Somebody else said that there is a possibility by establishing those kinds of centers that it will encourage kids to run away. It just doesn't happen, not in our experience. But then again, I don't think there is any reason why we can't measure that. But we have to have the money to have the program to measure anything. It is not clear from one year to another whether you will have a program, so it limits you when planning program expansion.

I am hesitating at this point because I have been writing notes this whole last 2½ hours. Oh, runaway house people generally are in a particular bind as far as available State and local funding. I don't think there is any. Revenue sharing is a joke. Maybe I am not saying that in the sophisticated way I should, but I can tell you in Chicago, Ill., I can even find the right person to call to find out about revenue sharing. That is how acceptable it is in social service.

Most of the people in runaway houses are young people. They don't have a great deal of experience, and don't have a lot of political quality, and don't have a lot of money. Those three factors begin to make it pretty difficult in our several States.

I am pleased to be here, and I am happy you people have taken the initiative to do something that means something at the Federal level. My hope is you don't peter out and not help us out there in trying to get the job done.

Mr. HAWKINS. Thank you. Do I understand that the Looking Glass Runaway House has been closed?

Ms. FLANIGAN. In 1973.

Mr. HAWKINS. What was the reason?

Ms. FLANIGAN. There are administrative guidelines in Illinois with the State block grants system that says you can't extend the

2-year funding. We had our 2-year funding. We were unable to find any other sources of funding that came anywhere near funding that program. Without funds, it seemed futile to try to run a program that was seeing a couple thousand kids a year.

Mr. HAWKINS. Was that the only source of your funding?

Ms. FLANIGAN. We had Travelers Aid doing some funding. A few foundations put in some money. Foundations do the same as everybody else. "Come to my well one time, but don't come back or the well will run dry."

The first 18 months was without Travelers Aid, and surely that program would have died without the assistance of Travelers Aid.

Mr. HAWKINS. What is the administrative relationship between the organizations?

Mr. McQUAKER. Mrs. Flanigan and others originated the Looking Glass Runaway House. They contacted us and though we were reluctant we decided to go along with them and try to get funding. We did get an LEAA 6-months seed grant and then 2 years of Illinois Law Enforcement Commission money to carry on the program. We were responsible for the program physically and programatically of the program. We took it on with the knowledge that we wanted the Looking Glass grassroots people to try and carry out the experiment, trying to manage their own program as much as possible.

One of the great headaches that occurred was the fact that with rules and regulations and requirements of the funding sources, we as administrators were having to impose a number of techncal things, forms, statistical things, you have to do this, you have to do that, which constantly broke into the very flexible and sort of freewheeling operation. Unfortunately, that had a negative effect on the program.

The other side of it was we were also able to provide some professional backup and employ some professional staff to give some backup to the volunteers, the college people that were working in program, and give some training programs, and they developed really quite a sophisticated yet new approach to these youngsters.

I sent on to the committee 10 copies of his research which outlined this very clearly, and there was followup on the children we saw. There is a report as to how those children and their parents viewed that experience.

Mr. HAWKINS. Has any effort been made, or any application been made to the Department of HEW for additional funding?

Mr. McQUAKER. Yes, we have talked with both the regional office in Chicago and the Washington people. There is very limited money in the OED programs, and we have had the same problem of finding out who is the right source to go to. We apparently have put in for a supplemental, or we will be applying for money from HEW since the LEAA proposal was denied on the basis that this program is not a prevention of delinquency program despite the fact that all our backup indicated otherwise.

Ms. FLANIGAN. I would like to say there has been another item, I am working with the attempt, we have an application to the office of development to begin again. It looks as though it is a much smaller scale and yet there is not enough money.

I can tell you the budget for running Looking Glass would include foster care, medical care, legal assistance, and all the other things we need in those programs to run for a large population will run between $170,000 and $250,000. I am talking about students, placement, professional care, some paid people to keep the place going.

None of us have fancy equipment. We have shabby homes. It isn't because we like it that way. It is because we are poor. The families come in, they are scared, defenseless, angry. That is the last thing they need to see, something shabby, broken-down furniture with stuffing falling out, but we do the best we can with what we have.

Mr. McQuaker. We have been concerned with comprehensive services. A child that has run away is indicative of one thing, but many of these children of the thousands we saw were often in need of transcendental types of services, be it legal services because they were already in the criminal justice system and needed defense, be it they claimed abuse and had to go to court, we had to go into court with those children for their protection, be it medical service, VD was sometimes of concern, all these kinds of things.

We had to talk about comprehensive services, otherwise we were fragmenting, sending the kids here and there and so forth which really didn't help too much.

Mr. Hawkins. Mr. McQuaker, in your prepared statement you said:

> There are already in existence adequate statistics to confirm that we have a national crisis. I cannot understand why the Congress continues to allocate precious funds for more statistical gathering, while denying funds to examine the causes and develop solutions.

That statement would in part seem to conflict with earlier testimony, specifically that by Dr. Gold. What is your reaction to his testimony in which he says we don't have sufficient data on which to base action at this time?

Mr. McQuaker. I think you will find LEAA has a complex and the Justice Department has a collection of data reported from police departments throughout the country which show specifically the numbers of runaway children they have either charged or come into contact with. In addition, in Chicago, the Chicago Crime Commission has done further studies to show that the actual numbers reported that you have on the statistical count reflects a very small percentage of actual numbers within the population.

My point was not to say that we should not get a more accurate count. The point was that there is plenty of evidence to show we do in fact have a national crisis. And that it may in fact be growing. Children nowadays, because there is several years of experience now going on behind them, have found better and better ways to avoid being detected, and some of us are even more greatly concerned because there are all new subcultural things developing where these kids can be exploited and can escape detection, particularly as the centers across the country have had to close. They really don't have any place else to go.

Most of these children feel they are perfectly right in running away. Whether they are in fact is beside the point. So we will go into these rather unfortuante situations for a number of psychological reasons, if not very real ones. This is the basis that I am speaking from.

Mr. HAWKINS. Would you agree or disagree that asking a cross-section of random sampling of American youth in cerain age groups as to whether or not they had run away is a reliable approach to the magnitude of the problem?

Mr. MCQUAKER. I would question its total reliability. I think even in doing our own research we found it is tremendously difficult to get reliable response from adolescents, primarily because adolescents are suspicious of adults in the best of circumstances

Ms. FLANIGAN. For very good reasons, I might add. I think we have a responsibility to change that.

Mr. MCQUAKER. In the Travelers Aid Society there ar 28 of us across the country. All of us are reporting our own statistics to our national office of the increased numbers of runaway youths. We are just seeing hundreds of children returned every year, and we are at the middle point, meeting the plane to transfer them to the next mode. It is really appalling that these youngsters, who have really taken a lot of guts to move, if you will, are confronted or have reached out themselves for something and then in turn are plunked on a plane and sent back to exactly the same situation they ran from, and there is little for them at the original point or the end place.

It is really crossing State lines. It is not just a State issue, or local community issue. It is a national issue right across the board.

Mr. HAWKINS. Mr. Steiger.

Mr. STEIGER. Mrs. Flanigan, let me pursue the point you just discussed. You talked about it in terms of specific wording, you say on page 2 of your statement, "I take issue with the phrase "insuring his safe return, et cetera', and offer in turn 'insuring an early resolution of the entire situation and in encouraging, etc.' "

How are we to do that? I would think that that becomes at best complex and difficult, and at worst almost impossible.

Ms. FLANIGAN. We are not dealing with any easy problem. These are difficult kinds of situations. There are situations, and a number we saw in Chicago, and I know from experience with people, there are throwaways, pushout, kids were not wanted.

The issue I take with the phrase, the interpretation of the phrase, "insuring a safe return" sort of sounds like runaway centers would be put in the bind of working with law enforcement officers, so the operation would be, "Please get involved somewhere or the kids will be sent home." The kid will split again. What has been done—I can't tell you how many hundreds of kids I have worked with. Generally kids are willing to learn to make choices about their lives. They need to learn how to use the decision process. Many adults can't make decisions. I won't make reference to things I have seen in Washington, but the decisionmaking process is a key process in a young person's life. Many persons come in to learn the decisionmaking process. What I am talking about is growing up.

I think insuring early resolution of the entire situation begins to work with both the kids and family to make an honest determination, such as should the child go back home. What piece of the action should he have in making that decision? If not, what are the options? How much opportunity is there for change? Is there a possibility for foster placement, or is a group home more favorable, or going back to a more heated conversation where nothing will happen for a while. That is what I meant.

I don't think returning children to homes from which they ran really does anything other than perpetuate the problem. That is why I would like to soften that phrase.

Mr. STEIGER. I am interested in your use of "runaway programer center" as contrasted to "house." You feel very strongly, I would judge, that if we establish or if the effort is to establish nothing more than a runaway house concept group service that that would be a mistake?

Ms. FLANIGAN. Well, because I think more factors are involved, and I think there have been a number of demonstrations of different approaches that have been workable. Nobody has asked us. We have been around since 1967 in one form or another around the country. The original "Looking Glass" was not a house, it was located in a house but we never housed one kid. We have used 25 foster homes for shelter. In one sense we were not residential, but in another we were, it is decentralized residential. It would depend on the area located, but Chicago could use many runaway centers.

There are 10,000 reported runaways. Who knows how many runaways there are. It depends on what the community will tolerate. How people in the local areas around the programs feel. You know, how much noise will be involved. How much disturbance of neighbors. There are other factors to be considered and a number of approaches to work. Don't limit the idea to a runaway house, broaden it.

Mr. MCQUAKER. When we closed the "Looking Glass," we had an opportunity to have converations with some foster parents. Most were young people with small children of their own. They were looking for a place to participate. They would not normally be foster parents for a State organization. I was interested in the reports of some of these people who had spent whole nights and days listening to these youngsters trying to sort things out.

It was my feeling at that time, in addition to the gutsy counseling that went on by the young counsellors in these centers, the individual personal attention and commitments of these young adults, parents, families, had a tremendous impact on these young people, and that with that they were really able to carry over a very brief experience into a very long-term life benefit, and this is partly responding also to Representative Mink's request, "Can you do much in a short term?"

Our feeling is these kids are basically healthy, many of them. So a concentrated job of help can go a long way. This is really where these kids need it now or they won't get on to the next maturation phase.

Mr. STEIGER. Can I pursue this problem of what you call the transcendental services that might be found in a program of this character, particularly the legal services. What kind of problems requiring legal assistance?

Mr. **McQuaker.** One of the kinds of things we saw was a number of children who came to us technically running away because they had to run away to come to us—I say that knowing that is going to lead to another question—but they came to us saying they had been abused or mistreated by their parents. On several occasions when that was vigorously pursued when possible we found there was a great deal of validity to those charges. In turn it meant we had to go into court with that child on behalf of that child to request that a better living situation be ordered by the court. That often required lawyers.

Or we had youngsters who had been charged and had no defense to go into court, and they claimed their innocence. They had no legal defense. So we had to use lawyers for that.

We had parents try to charge us because the child had come to us and didn't want the child to have any rights, and wanted them back in the home regardless of the situation in the home.

Sometimes we had to get legal counsel to know how to deal with State laws on child welfare or lack of them, or the various situations that existed. This is a tremendous, complex legal area which your knowledge of psychology and so forth doesn't seem to get built into.

Ms. **Flanigan.** I have added on the back of my testimony the letters from the public defender's office saying we cooperated very well with the juvenile court, and with the State's attorneys. They were glad to have us around to use as a resource. The problem with most State's attorneys offices and public defenders offices is their caseloads. They don't have time to give to a kind of scroungy kid we might bring in.

Particularly in the incest cases where there is the situation of a young girl claiming incest on the part of a stepfather or father, those are tricky cases, and you need a highly skilled attorney to work with that client to prepare an adequate case.

Mr. **Steiger.** To whom did you go?

Ms. **Flanigan.** In that kind of a situation, the State's attorney.

Mr. **Steiger.** On behalf of the child to bring a case against the parent in that situation?

Ms. **Flanigan.** That is right. In the reverse situation we had to go to court to ask for a temporary custody order. That was the public defenders case. I don't recall ever going into court and losing a case.

Mr. **Steiger.** Did you have any cases with charges against any of the children? I ask this because that is an issue we are dealing with in legal services.

Mr. **McQuaker.** Yes; we had children with charges against them needing legal counsel, particularly where we knew the child might have been guilty of an offense and the charge was justified, but we were highly concerned that without proper representation in court and without proper review of the circumstances of the child the court disposition might be very negative for the child. He may be placed in a reformatory where he will just sit for a couple of years and then get kicked out.

In Chicago we have been able to use legal aid and some private attorneys who have given of their time. The public defenders office, as you may know, in Chicago we have had a very independent legal aid and a very active legal aid who has advocated on behalf of children's rights and their positions in the courts. We are hoping and praying that will continue.

Ms. **Flanigan**. There is another interesting aspect of police and court relations. There are other items on which you can go to court. Our chief judge of the juvenile court set by an order that you are not going to retain kids in detention. The police have a different term. I call it jail. What happens in Chicago, the resources, if any, when a child is picked up, the police would not adjudicate on the spot on returning the child home. The police felt uncomfortable in that situation.

The only resource they had was our department of family services, at which point an interesting thing happened. We found that the looking glass experience had more foster homes available for adolescents than the entire department of family services. What they would do is tack on or amend the runaway situation to get them into the facility. The kid had nothing to say about the process. That happened because of lack of resources primarily.

We did manage to work out an arrangement for children through family services because the police couldn't unless they got the word on high. They called the department and the department called us. We got the kid anyway.

Mr. **Steiger**. I am not sure I should pursue with you the question that obviously comes to mind when you say the kid comes to you, because that gets us into a basic question of whether by establishing these programs, we are going to encourage the kids to leave home. What you are saying, if I read you correctly, is that the looking glass experience or travelers aid program offered an alternative readily available that might not otherwise have been available.

Mr. **McQuaker**. One other thing that might interest you that came out of this, the local high school in the district had been faced with the problem of having constant counseling for kids. The kids found it difficult to talk to the counselor who was attached to the board of education. The school asked us to run some groups for them. We didn't think it would take. I think within a month or 2 we had 10 groups of 10 children, each in rap groups, and they came in for about six sessions. We know none of those kids that in turn took off, thought many claimed they were about to.

So in a sense many of the established institutions were asking us to open our doors to a larger and larger segment of these same young people, and in fact the looking glass center became more than a runaway center, it became a center for youth in general. Many kid ran away around the block so they had a ticket to get in the door. They talked to somebody and they went back home. Our followup research demonstrated even when we were not sure why the kid came to us and only spent an hour, in the followup the kid reported something jelled for him. He was getting on with his school functions and so on.

Mr. **Hawkins**. May I interrupt to ask whether your time element is such that you can remain?

Ms. Flanigan, you indicated you had a plane to catch?

Mr. **McQuaker**. I can remain.

Ms. FLANIGAN. I will have to leave.

I would like to pursue that. If you want to fantasy this, this might happen. Just assume it might happen. What better way to lead kids who feel they have problems in to a process. A runaway center is not a place where young people come without problems. It is made clear to them that is the purpose of the center, otherwise there is no reason to be there. Does that make sense?

Mr. STEIGER. Let me ask one last question. I don't know if you looked at H.R. 13737?

Ms. FLANIGAN. Yes, I have.

Mr. STEIGER. Can you comment?

Mr. MCQUAKER. What is the title of the bill?

Ms. FLANIGAN. It is the administration bill. Would you like a short comment?

Mr. STEIGER. Short or long, and send it to us.

Ms. FLANIGAN. Too little, too late.

Mr. STEIGER. Are we going to say all of this is too little, too late?

Ms. FLANIGAN. This particular bill under consideration right now is probably the first honest attempt of the Federal Government to make some impact and deal with this problem. $3 million, which is essentially what, of that piece of the administration bill, could be spent on runaways, if that happens. It is not enough money. It costs money to run one of these centers.

The problems are human problems. You have to pay people. People working in runaway centers are so exhausted from working 60 hours a week, probably with no money, no equipment, $3 million is no money.

What is happening is, if the administration bill is passed and $3 million is advocated, then 2 years down the line nothing significant has happened and we have nothing significant for research, and people say, "See, it didn't help." It is predestined to fail.

Mr. MCQUAKER. That is why I am critical here, not of the motive, but I am concerned to see us set up for planned failures again where the whole helping field will be attacked and a year down the road we will be attacked for not having done the job we thought we could do. I think that is what many of us are concerned about. We cannot do a job despite what we know unless given the resources. Otherwise we should reserve until a time when we will be able to.

Mr. STEIGER. Thank you.

Mr. MOSSE. I want to thank you both for your enlightening and valuable time.

Mr. HAWKINS. May I also express our appreciation to you, Mrs. Flanigan and Mr. McQuaker for your testimony. We have certainly gained a lot from your statement. I noticed the points of criticism in the two statements, and they will be incorporated in the bill. One of the reasons we are not incorporating the rights approach, children's rights approach, is that this committee has no jurisdiction over this subject. If we had included that, another committee would have gained jurisdiction.

Thank you.

The meeting is adjourned.

(Whereupon, the hearing was adjourned, subject to call of the Chair.)

STATEMENT OF HON. WILLIAM D. FORD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present to you today testimony in support of the Runaway Youth Act—a bill which I originally introduced during the 92nd Congress and reintroduced during this Congress.

The current version of the Runaway Youth Act was introduced on June 28, 1973. This version (HR 9042) effected the changes and improvements which were made by the Senate when that body considered legislation similar to my original proposal (HR 526). Mr. Chairman, it is my hope that the Subcommittee will give this legislation its prompt and most favorable consideration. It is already getting late, and as some of you may recall, the Runaway Youth Act was reported out of Subcommittee two years ago, but died without ever getting to the House floor because we ran out of time.

Mr. Chairman, as we all know, the days when a runaway youth can drift romantically down the Mississippi river on a raft or leisurely hitchhike around the country are gone.

Today with the increasing complexities of our society, the runaway child faces problems almost too awesome to ponder. Problems such as illicit drug use and prostitution face these children as they leave home and confront, usually for the first time, the responsibilities of fending for one's self. Last July 16, 1973, I inserted in the Congressional Record an article relating some of the problems faced by the estimated 10,000 to 18,000 children who runaway each year in the Washington area. These alarming statistics reveal that a majority of these children are between the ages of 13 and 17.

In my own Congressional District in the city of Wayne, Michigan, Police Chief Walter D. MacGregor stated that 134 children under 17 ran away from home in 1973. Although this doesn't seem like such a big figure, consider that Wayne only has about 21,000 residents, according to the 1970 census. In the neighboring town of Westland, the police report that they receive an average of 2 to 3 runaways reported daily. Assuming that similar statistics are being repeated in communities all across America, we can readily see the burden placed on police to handle problems which could be much more easily handled by counselors in a Runaway House.

Michigan is fortunate in that we have a number of alternatives to sending a runaway child to juvenile court. *The Port*, a runaway home for girls, is located in Grand Blanc and is jointly sponsored by the school, police department, and community of Grand Blanc. *Ozone House* of Ann Arbor provides individual counseling for runaways and their families. One much closer to my district is the Detroit Transit Alternative in Detroit which can provide crisis housing, up to two weeks, for 16 runaways at one time. Up in Kalamazoo, *[illegible] House* accepts runaways on a long-term basis and manages to operate with private donations from the community. Probably the most notable is *The Bridge*, which opened its doors in February of 1971. During the first two years of its operation the Michigan Office of Criminal Justice Program awarded the Bridge grants of $66,900 for each fiscal year. Later, in its annual report, the MOCJ singled out the Bridge as an outstanding project in 1973 because of its efforts in reducing crime.

We are also fortunate in Michigan to have a legislature which understands the plight of runaways. Last December 6, the Governor of Michigan signed into law a bill establishing temporary housing and counseling for runaway youth. This legislation, which was patterned after my own runaway bill, was introduced by my good friend and constituent, Rep. Thomas H. Brown of Westland. I am very pleased that Michigan has taken the lead in enacting laws designed to help the runaway and his parents and, at the same time, relieving the police from the huge work load that they now encounter in runaway cases.

In summation, Mr. Chairman, I would like to say that now is the time for the Congress to focus its attention on a problem that is growing daily. The highly publicized Houston slaying demonstrated the urgent need for temporary housing for runaway children and we cannot continue to overlook this concern. We can, however, begin to help solve some of these problems by writing in the Federal law the provisions of the Runaway Youth Act. Mr. Chairman and members of the Subcommittee, once again, thank you for the opportunity to testify.

Institute for Social Research,
The University of Michigan,
Ann Arbor, Mich., May 6, 1974.

Attn: Lloyd A. Johnson
Congressman **Augustus F. Hawkins,**
Chairman, Subcommittee on Equal Opportunities, U.S. House of Representatives, Washington, D.C.

Dear Congressman Hawkins: Mr. Johnson, the Staff Director of the Subcommittee, has suggested that I write you in order to clear up any ambiguities that may have resided in my testimony before your subcommittee on May 2.

In addition to the National Survey of Youth data on runaways presented in our prepared testimony, there are essentially three points that I wanted to make in my oral presentation:

First, the kind of data collection which would be mandated by present versions of the Runaway Youth Act is possible and would be useful. However, its usefulness will depend upon the source of the data. In this area of interest as in others concerned with juvenile delinquency, data abstracted from the records of law enforcement agencies—police, courts, etc.—and from social agencies, such as extant runaway youth homes, are incomplete and unrepresentatives. They will not provide the kind of valid basis for policy as would data collected from representative samples of American youth who report their own experiences.

Second, data collection should be extended to the systematic assessment of the effectiveness of selected operating programs for runaway youth and of programs that the legislation will created. As I pointed out in my opening statement, we do not now kow whether such programs will accomplish what the Congress intends for them or whether they might actually be detrimental to the welfare of youth. But we can and should find out. Apparently Congressman Mink thought that this position implies that nothing should be done "until the findings are in." Quite to the contrary: there will be no findings unless there are programs to assess. Rather, the implication of this position is that, at this stage of our knowledge, systematic assessment should accompany the phasing in of programs, beginning with established programs and required of newly-funded programs. This assessment should be in terms of the stated objectives of such programs: their effects on the numbers of runaways; provision for the protection of runaway youth; and the maximum reconciliation of youth with their families. Assessment should also include studies of how those programs which accomplish their objectives manage to do that, so that other programs can emulate their success.

Third, the legislation should be broadened beyond the stipulation of runaway youth homes as narrowly conceived. At this early stage of action, programs with other configurations should also be tested for their comparative effectiveness. In my oral testimony, I mentioned two other possibilities: temporary individual placement with qualified families in a youngster's community; and runaway *prevention* centers where children may seek help in solving family conflicts that so often lead to running away. Existing Youth Service Bureaus may be encouraged to provide both of these services.

I hope this will be useful to you in framing important legislation.

Yours,

Martin Gold,
Program Director.

May 9, 1974.

Congressman **Augustus F. Hawkins,**
House of Representatives, Committee on Education and Labor, Subcommittee on Equal Opportunities, Washington, D.C.

Dear Congressman Hawkins: Once again let me thank you for inviting me to testify on the runaway bill May 2. It was an honor for me and Mr. Nicholas who also testified. I was most gratified that your committee was addressing itself to finding solutions to a most pressing problem.

If I may, I would like to take this opportunity to respond to a few of Dr. Martin Gold's comments. Dr. Gold testified after I left the committee hearing room and I have since read his presentation.

In particular I take issue with his comment that runaway houses probably encourage children to run away. I can only speak from our personal experience which points up that, in fact, it is not a motivating factor and very few children come to us simply because we are there. We have found that most of the children have already run away from home when they learn of our services.

Point number two I should like to make indicates that, in the case of children out of our jurisdiction, our follow-up procedure indicates that 83% are still at home and that practically all children return home after leaving us. In the case of local runaways family conferences take place in the overwhelming majority of situations and the child goes home with the parents. So they have, in fact, returned home.

We have no way of determining what the Congress, FBI, and other runaway houses think as to the number of children who run away. Our figures indicate, and I am including Juvenile Court statistics, that in the past three years 3992 children have run away. We, that is FOCUS, have worked with 1300 children in the year and a half of our existence as a youth hostelry. Please bear in mind that we are a community of 300,000 people and might possibly serve as some kind of a measuring device when considering the country as a whole and particularly the big cities.

Dr. Gold's graph A indicates that 13% left home to go to another city or on the road. Our figures show that 38% are children out of our jurisdiction, that is from another state.

I hope this added input will be of assistance in your deliberations and once again, my thanks for your kind invitation.

Sincerely,

RAYMOND BEN DAVID,
Director.

GEORGIA DEPARTMENT OF HUMAN RESOURCES,
Atlanta, Ga., April 25, 1974.

Mr. LLOYD JOHNSON,
Staff Director of the House Subcommittee on Equal Opportunities, House Office Building Annex, Washington, D.C.

DEAR MR. JOHNSON: Enclosed are statistics which provide evidence that the number of runaway children in Georgia is increasing each year. Please distribute one copy to each senator on the Subcommittee to Investigate Juvenile Delinquency prior to the legislative hearings on the "Runaway Youth Act" which are scheduled for May 2, 1974.

In Georgia at the present time there are no facilities set up specifically for the purpose of temporarily housing runaway youths. Most runaway youth are detained in juvenile detention centers or jails, depending where space is available. Very little counseling is provided. Often the concern of the detention center staff is to move the youth out of the center as soon as possible, without making a real effort to meet the psychological needs of the youth.

There is a great need for facilities to house runaway youths in Georgia. The results of a state wide survey would be helpful in pinpointing what services are needed as well as where the services should be located.

I plan to attend the hearings on May 2nd and will look forward to meeting you then. Thank you.

Sincerely,

BARBARA SEYMOUR,
Interstate Compact on Juveniles.

GEORGIA DEPARTMENT OF HUMAN RESOURCES,
Atlanta, Ga., April 25, 1974.

DEAR SIRS: The following statistics reflect only the number of runaway youths who had official hearings held in the juvenile court that serves the county in which they reside. However, statistics on runaways of the following counties include both official and unofficial hearings that were conducted: Clayton, Cobbs, DeKalb, Fulton, Gwinnett, Houston, Muscogee and Ware. Statistics on the total Population for 1973 will not be available until July of 1974.

The highest numbers of runaway youths per thousand of the total population of each county in found in the counties of Metro Atlanta. The four major counties that comprise the Metro Atlanta area are as follows:

	1971	1972
Clayton	4.9	3.8
Cobb	2.2	2.2
Fulton	1.8	1.2
De Kalb	1.5	1.9

The total number of runaways in the State of Georgia for 1971 was 3,516; in 1972 the number increased to 3,802; and in 1973 there was a record high number of runaway youths which totaled 4,360. Please keep in mind that these statistics have been taken from the county juvenile court records and do not reflect the total "runaway problem." Thank you.

Respectfully submitted,

BARBARA SEYMOUR,
Interstate Compact on Juveniles.

County	Total population 1971	Runaway youths 1971	Total population 1972	Runaway youths 1972	Runaway youths 1973
Appling	13, 200	6	13, 300	0	2
Atkinson	5, 800	0	5, 900	0	0
Bacon	8, 300	0	8, 700	0	0
Baker	3, 800	0	4, 000	0	0
Baldwin	34, 600	0	34, 800	2	0
Banks	6, 900	0	6, 900	0	2
Barrow	17, 400	2	18, 100	5	4
Bartow	34, 800	1[illegible]	35, 000	9	0
Ben Hill	13, 100	6	13, 400	0	0
Berrien	11, 900	0	12, 300	1	0
Bibb	140, 900	32	142, 600	37	50
Bleckley	10, 500	1	10, 900	0	0
Brantley	6, 200	0	6, 500	0	0
Brooks	13, 800	1	13, 900	0	1
Bryan	6, 800	0	7, 100	0	1
Bulloch	32, 100	0	31, 700	0	2
Burke	17, 900	6	18, 100	0	0
Butts	11, 000	1	11, 100	0	4
Calhoun	6, 200	0	6, 300	0	0
Camden	11, 200	1	11, 500	0	39
Candler	6, 300	0	6, 300	0	0
Carroll	47, 500	2	49, 000	0	0
Catoosa	29, 300	8	29, 800	6	1
Charlton	5, 900	0	5, 900	0	0
Chatham	185, 400	45	180, 500	26	20
Chattahoochee	24, 300	0	15, 900	0	0
Chattooga	20, 600	0	20, 900	0	0
Cherokee	33, 500	45	34, 700	31	35
Clarke	66, 900	36	67, 700	24	29
Clay	3, 600	0	3, 700	0	0
Clayton	105, 700	514	111, 100	420	480
Clinch	6, 400	0	6, 400	1	0
Cobb	203, 800	447	209, 800	463	406
Coffee	23, 500	0	23, 600	4	0
Colquitt	31, 200	1	32, 700	0	0
Columbia	22, 800	0	22, 400	0	0
Cook	11, 900	0	12, 100	7	1
Coweta	34, 100	17	35, 000	45	0
Crawford	5, 900	0	5, 900	0	0
Crisp	18, 200	0	18, 400	0	0
Dade	10, 300	1	10, 300	0	0
Dawson	3, 600	0	3, 800	2	0
Decatur	21, 600	0	21, 700	2	0
DeKalb	430, 900	649	448, 900	840	910
Dodge	15, 900	8	16, 300	0	0
Dooly	10, 700	0	11, 000	0	0
Dougherty	92, 600	24	95, 500	86	29
Douglas	31, 600	0	33, 700	0	0
Early	12, 800	0	12, 600	1	0

County	Total population 1971	Runaway youths 1971	Total population 1972	Runaway youths 1972	Runaway youths 1973
Echols	2,000	0	2,000	0	0
Effingham	14,300	0	14,500	0	0
Elbert	17,300	0	17,100	0	0
Emanuel	19,300	0	20,200	1	0
Evans	8,200	0	8,500	0	0
Fannin	13,700	2	14,000	10	9
Fayette	12,300	1	13,100	0	0
Floyd	74,200	13	74,300	12	24
Forsyth	18,200	5	19,200	2	8
Franklin	13,000	6	12,900	3	0
Fulton	601,000	1,075	596,700	734	1,305
Gilmer	9,300	2	9,400	10	11
Glascock	2,400	0	2,400	0	0
Glynn	51,800	(1)	52,000	105	139
Gordon	25,100	12	25,300	6	0
Grady	17,600	0	17,900	0	0
Greene	10,300	0	10,200	0	0
Gwinnett	78,900	55	85,400	125	200
Habersham	21,000	0	21,000	0	3
Hale	59,900	27	61,900	17	....
Hancock	9,000	0	9,000	0	0
Haralson	16,100	2	16,300	1	2
Harris	11,300	0	11,300	1	1
Hart	16,300	0	16,000	3	1
Heard	5,600	0	5,700	0	0
Henry	24,500	0	24,700	7	13
Houston	62,800	100	65,800	100	100
Irwin	8,100	0	8,200	0	0
Jackson	21,200	3	21,600	0	1
Jasper	6,100	0	6,100	0	0
Jeff Davis	9,800	2	9,900	3	9
Jefferson	17,000	6	16,200	2	5
Jenkins	8,400	0	8,200	0	0
Johnson	7,900	0	7,600	0	0
Jones	14,000	0	14,300	0	0
Lamar	11,000	0	11,100	0	0
Lanier	5,100	0	5,200	0	2
Laurens	33,000	17	32,800	17	3
Lee	7,400	0	7,700	0	2
Leberty	17,700	2	18,600	2	2
Lincoln	5,800	0	6,000	0	0
Long	3,600	0	3,600	0	1
Lowndes	57,000	0	59,200	0	1
Lumpkin	8,900	2	9,100	5	0
Macon	13,500	0	13,600	0	0
Madison	14,200	1	14,300	2	1
Marion	4,900	0	5,000	0	0
McDuffie	15,200	0	15,500	0	0
McIntosh	7,400	0	7,600	2	1
Meriwether	19,500	0	19,800	3	1
Miller	6,100	0	6,100	0	0
Mitchell	20,600	1	19,300	1	1
Monroe	11,700	0	12,100	1	5
Montgomery	5,800	1	5,900	0	0
Morgan	10,200	0	10,200	0	0
Murray	13,700	2	14,100	0	0
Muscogee	166,300	146	166,100	277	295
Newton	27,700	1	28,000	20	25
Ocnee	8,100	1	8,200	1	2
Oglethorpe	7,800	0	7,800	0	1
Paulding	18,600	0	19,200	0	4
Peach	16,400	2	17,800	0	0
Pickens	9,600	5	10,000	9	7
Pierce	9,500	0	9,500	0	2
Pike	7,800	0	7,600	0	0
Polk	30,600	6	30,800	3	9
Pulaski	7,800	3	7,900	0	0
Putnam	8,500	0	8,400	0	0
Quitman	2,000	0	2,000	0	0
Rabun	8,500	0	8,800	0	0
Randolph	8,500	0	8,700	3	0
Richmond	162,600	29	158,000	19	1
Rockdale	19,500	0	20,700	8	14
Schley	2,800	0	2,800	0	0
Screven	12,200	0	12,300	0	0
Seminole	7,400	0	7,700	0	0
Spalding	40,500	5	40,700	11	8
Stephens	20,400	0	20,800	1	2
Stewart	6,100	0	6,000	0	0
Sumter	27,500	0	27,500	0	0

See footnote at end of table.

County	Total population 1971	Runaway youths 1971	Total population 1972	Runaway youths 1972	Runaway youths 1973
Talbot	6,200	0	6,100	0	0
Taliaferro	2,300	0	2,200	0	0
Tattnall	16,300	0	16,000	3	4
Taylor	7,900	0	7,800	0	0
Telfair	11,800	6	11,800	0	0
Terrell	11,500	1	11,300	6	0
Thomas	34,100	15	34,800	0	11
Tift	27,800	0	28,000	2	1
Toombs	20,000	0	20,300	0	7
Towns	4,900	0	4,800	0	0
Treutlen	5,700	0	5,500	0	0
Troup	43,600	0	43,500	13	21
Turner	8,500	0	8,200	1	0
Twiggs	8,000	0	7,900	0	0
Union	7,200	0	7,300	0	0
Upson	23,600	0	23,800	0	0
Walker	50,900	4	51,300	5	2
Walton	24,800	2	25,500	0	
Ware	34,100	49	34,300	66	56
Warren	7,000	0	7,000	0	1
Washington	17,100	1	16,700	0	0
Wayne	18,400	0	18,600	0	0
Webster	2,400	0	2,500	0	0
Wheeler	4,800	1	4,800	1	0
White	7,800	0	7,900	1	0
Whitfield	56,600	40	57,100	84	16
Wilcox	6,900	0	6,800	0	0
Wilkes	10,500	0	10,600	0	0
Wilkinson	9,700	0	9,800	0	0
Worth	15,700	0	16,100	1	0
State total	4,668,400	3,516	4,720,000	3,802	4,360

[1] Not available

TESTIMONY OF HON. DOLPH BRISCOE, GOVERNOR, STATE OF TEXAS

A. BACKGROUND

It has become alarmingly clear over the past years that an excessive number of young people are leaving home at an early age and all too quickly find themselves in poor physical, mental, and financial condition. This situation often forces their involvement in crime, drugs, and promiscuity. These runaways have become a burden on the law enforcement agencies thru both their missing persons departments and their general law enforcement responsibilities. Most social service agencies are not able to help without notifying police or parents and therefore are not fully utilized by runaways. Furthermore, many runaways are forced into illegal activity dictated by "street" survival, and the runaways' illegal status casts them into an often alien environment for which they are unprepared. We believe, the scope and nature of this national crisis demands national attention.

"Operation Peace of Mind" came about as a result of the mass slayings in Houston in 1973. Texas Governor, Dolph Briscoe, responded to the tragedy by initiating the Peace of Mind program, whereby runaway youth could relay messages to their parents, letting them know that they were safe and well. The idea behind the message service was that many runaways would be willing to make a contact with home, if they didn't have to let their whereabouts be known. Thusly, Peace of Mind came into existence, with the opening date being September 11, 1973.

Since that date, success has accompanied the runaway hotline, with calls coming slowly at first, and increasing steadily as time went on. The first nationwide publicity boost came on December 10, 1973, and the results were phenomenal. Abigail Van Buren printed a letter from a Peace of Mind volunteer explaining the program and asking for Abby's help in spreading the word. In one day, Peace of Mind received over fifty calls from runaways (as compared to the previous five to ten calls per day). During a period of ten days, following the appearance of this "Dear Abby" column, the total number of calls from runaways more than doubled.

The steady flow of incoming calls continued through the month of December, as many runaways tried to send Christmas messages to their families. Parents who had not heard from their runaway children for a period of a few months to as long as several years, responded with phrases such as: "This is the best Christmas present we could ever have."

Peace of Mind is continuing to operate as a hotline for runaways, twenty-four hours a day, seven days per week. Although the primary objective is to relay messages to families, another aspect of the program involves the referral of runaways to agencies in their locale. The primary source of referral information is the "National Director of Hotlines and Youth Crisis Centers". (Jan., 1973, the Natonal Exchange, Minn., Minn.) The Peace of Mind staff is compiling additional referral information dealing with youth (especially runaways) from sources.

The actual operation and organization of Peace of Mind is simple in theory and practice. Telephones are manned by volunteers; a volunteer working one four-hour shift per week. The shifts run from 8 a.m. to 12 p.m., 12 p.m. to 4 p.m., 4 p.m. to 8 p.m., 8 p.m. to 12 a.m., and 12 a.m. to 8 a.m. (an eight hour shift). The number of volunteers manning a shift is determined by the number of calls coming in. It is not always necessary to have a volunteer for each telephone. The number of calls varies also, with the amount and type of publicity that Peace of Mind receives. Both the number of calls and the pattern in which they are received are indicative factors of the need for ongoing publicity that is geared to young people.

The handling of a call from a runaway requires the volunteer to ask only a minimum number of questions. The name and telephone number of the parent or relative is required, as well as sufficient information to identify the runaway to his family. This is necessary only to screen out prank calls. The location of the runaway is never asked and the calls are received over nationwide W.A.T.S. lines, so that the calls cannot be traced. A runaway may receive referral help by simply calling and giving his location and the type of help that he needs. No name is required in these cases so that there is no danger of a runaway's location being passed on by Peace of Mind.

In many cases, runaways indicate a desire to call back and find out what the reaction of the parent was to their message. It is in the relaying of a parent's message back to the runaway that Peace of Mind volunteers hear of a runaway's decision to call home himself or to go home. A number of parents, that are contacted by Peace of Mind, call back to give the information that their child is now at home. In most cases, however, the outcome of a Peace of Mind call is not known. On the other hand, the happiness, relief and gratitude expressed by parents upon hearing that their child is okay, fulfills the purpose for which Peace of Mind exists.

The success of the "Peace of Mind" operation in Texas has shown the need for a nationwide communications system between runaways and parents, and it has emphasized the scope and nature of the runaway problem. It is estimated that in Houston alone there are 5,000 runaways. These young people need immediate help, not only in simply contacting their families, but some need shelter and clothing which they cannot afford.

B. RECOMMENDATIONS

1. The Governor's Office strongly endorses the concepts contained within the Runaway Youth Act; however, it is our recommendation that grants be awarded in block form directly to the Governor's offices of the various States thus permitting the state to allocate the funds, within H.E.W. guidelines, to the areas of the state where the need is greatest. The Governor's offices with their various planning and coordinating divisions can best administer this program since the runaway problem cuts across the interests of a number of individual State agencies, and could not be effectively administered by any single State agency.

2. The Governor's Office strongly recommends that existing organizations, agencies, and facilities be fully utilzed in order that the funds are spent for runaway youths and not for creating new buildings or programs.

3. The Governor's Office recommends the establishment of a national runaway hotline. The purpose of this runaway hotline should be twofold: (1) to provide a 24 hour, toll-free number, nationwide that runaways can call to relay a

message to their parents without the necessity of having to contact them personally. (2) to refer runaways that request help to the agency or facility that can provide the help they need.

4. The Governor's Office recommends that care be taken to insure that the Runaway Youth Act focuses on the runaway problem and does not become so broad and diffuse that the specific runaway problem is either not addressed or only partially so.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

WEDNESDAY, MAY 8, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 9:55 a.m., pursuant to call, in room 2257, Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee) presiding.

Present: Representative Hawkins, Chisholm and Steiger.

Mr. Hawkins. The Subcommittee on Equal Opportunities is now called to order.

The Chair would like to announce just for the benefit of the witnesses that several points that have been discussed and I am sure will be discussed today should be clarified from the Chair.

One is that the bill which is before the subcommittee, HR.. 6265, does not at present incorporate the national institute. This has been discussed with Congressman Railsback, who is the author of H.R. 45, which passed in a previous session of Congress.

We have agreed with him to incorporate his bill in H.R. 6265. The only reason that we have not done this so far is because we want to work out with him the exact provisions as to whether or not his bill in its present form or a modified form will be incorporated. But it will be incorporated in H.R. 6265.

The other point that has been made by many witnesses is that H.R. 6265 does not provide any amendments to the Federal Juvenile Delinquency Act to reform the Juvenile Code.

The reason for this is that we were concerned about jurisdiction. Inclusion of those amendments would complicate the jurisdiction of the bill. The bill would probably be in a subcommittee of another standing committee of the House instead of this subcommittee.

We are however, introducing, a companion bill which will incorporate those amendments.

I think it is necessary to say this so that the witnesses will not be deluded into thinking that we have overlooked these two points and may actually be in opposition to them.

We are in perfect agreement with both proposals and certainly will incorporate them in the pending bill.

The Chair will forego any further discussion on points concerning this because we are beginning late.

I would like to introduce the first witness. Congressman Claude Pepper who represents the 14th Congressional District of Florida

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and for two terms represented that State in the U.S. Senate. His long concern for the educational and social needs of our Nation's youth is well known by all of us.

He has served as chairman of the House Select Committee on Crime, which as part of its overall responsibilities addressed the issue of juvenile delinquency, the matter which is now before this subcommittee.

It is a pleasure to welcome this most distinguished American statesman to the subcommittee.

Senator, we are very pleased. I am certainly honored in welcoming you to this subcommittee, as is, I know, my distinguished colleague, Mrs. Chisholm.

Mr. PEPPER. Thank you, Mr. Chairman, for your kind words of introduction. I want to congratulate you for continuing the splendid work that you and your distinguished fellow committee member, Mrs. Chisholm, have long done in the field of concern for young people. You not only have a humanitarian interest in their welfare but you are trying to protect society from some of their aberrations.

I particularly commend you for the initiative you have taken in the introduction and conducting of hearings upon this measure which is before your committee today.

I was a cosponsor of H.R. 45, of which the principal author was Mr. Railsback.

I had previously introduced H.R. 19327 on behalf of the Crime Committee.

I commend you upon your announcement, Mr. Chairman, that you are going to incorporate the provision of H.R. 45 which provides for a Juvenile Justice Institute in the bill which you now are offering and which you have before you in this committee.

Our Crime Committee after 4 years of study of crime in the United States came to the rather obvious conclusion that those who perpetrate crime in this country or what I might call the "crime population" come from two principal sources.

One is the young people coming into the criminal population, becoming perpetrators of crime. It is a known fact, of course, that about half of the serious crime committed in the United States is committed by people under 18 years of age, mostly boys.

FBI statistics presented to our Crime Committee indicate that while total arrests of all those over 18 rose 20 percent between 1960 and 1972 the same figures rose 124 percent for those under 18.

Of those arrested for serious crimes in 1972 a full 19 and 2/10ths percent were under 15 years of age.

Preliminary 1973 figures just published by the Federal Bureau of Investigation show that serious crimes rose 3 percent in the cities and 5 percent nationally. In the suburbs however serious crime increased 10 percent, largely due to the increasing participation in the perpetration of crime of young people.

The other source of the criminal population, of course, are those that we call "hardened criminals," previously convicted criminals coming back out of our penal institutions into the population of our country and becoming again perpetrators of crime.

So you are dealing with one of the main sources of the stream of crime and juvenile delinquency but you are dealing with an effort to try to preserve the value of these human lives.

They have a great potential for the country if they are properly assisted to find a normal way in their society.

A few weeks ago in the House Internal Security Committee, of which I am a member, we had before us as a witness Dr. F. Gentry Harris. He is Chief of the Department of Psychiatry at United States Public Health Hospital in San Francisco, California. I am sure he is known to the distinguished chairman.

I asked Dr. Harris when he was testifying about the psychiatry of people who are skyjackers or kidnappers, perpetrators of that kind of crime—he had made quite a study of that—would he also give whatever data he could put together and whatever opinion he cared to express about the relationship between the perpetration of crime or juvenile delinquency, we might say, and educational retardation or educational disability or inadequacy and the like.

So he wrote me a letter which I have attached to my statement.

By the way, Mr. Chairman, if I may ask that my statement appear in the record and I will summarize it.

Mr. Hawkins. Without objection your statement and also the letter of Dr. Harris which is attached thereto will be placed in the record at this point.

[The documents referred to follows:]

PREPARED STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman. I am pleased to have the opportunity to testify before you and the distinguished members of your subcommittee today to report some of the findings and recommendations of the House Select Committee on Crime which support the purposes and provisions of the Juvenile Justice and Delinquency Prevention Act (H.R. 6265 and S. 821).

Experts in criminology, respected public administrators community leaders, journalists, and an endless array of other informed sources all agree on the urgency of the need for a strong and effective Federal commitment to provide vigorous national leadership and the substantial resources necessary to abate crime and prevent delinquency among our nation's youth. More than 80 witnesses recently testified before the Senate Subcommittee to Investigate Juvenile Delinquency and they were all in virtual unanimity over the depth of our national disgrace and dilemma growing out of the fact that almost half the serious crime in the United States is committed by children under the age of 18. FBI statistics presented to my Crime Committee indicated that while total arrests of those over 18 rose 20% between 1960 and 1972, the same figures rose 124% for those under 18. Of those arrested for serious crimes in 1972, a full 19.2% were under 15 years old. And preliminary 1973 figures, just published by the Federal Bureau of Investigation, show that serious crimes rose 3 percent in the cities and 5 percent nationally. In the suburbs, however, serious crimes increased 10 percent. This type of data, indicating that juvenile delinquency is pervading every community in nation at an increasing rate, represents a real American tragedy. It is tragic that arrest rates continue to rise faster for those under 18 than for the population at large; it is tragic that we have been unable to rehabilitate the vast majority of youth who enter juvenile correctional facilities. This waste and shameful neglect of our nation's one greatest resource must not be allowed to continue.

One of the real underlying crises is the failure of existing institutions to deal with the needs of a sizable portion of the population. Public schools are not geared to educate a large number of students. In fact educational retardation is one of the commonest behavior patterns noted among delinquent youth. A report entitled "Literacy Among Youth 12–17 Years," just published by the National Center for Health Statistics, HEW, indicates that according to data compiled for 1966–1970, 1,000,000 failed the literacy test. This 1,000,000 includes 22% of all black youth in this age group from families having less than $3,000 annual income.

Peter Knolla, head of the Douglas County Youth Detention Facility in Omaha, Nebraska, stated in his testimony for the Crime Committee that "if there is any one common characteristic about a delinquent kid, it is not that he has long hair, or is white or black—it is they are educationally retarded." The premium placed upon success and competition, even in the early grades, places a psychological burden on the youngster who cannot perform as well. So, as Mr. Knolla states: "he cops out or drops out." A high percentage of dropouts go on to commit serious crime and then they become cycled into the large colleges and universities for crime that we call our correctional insttutions. Real efforts in the area of job experience and vocational training must be expanded and directed to the thousands of young people out of school and out of work.

The failure of the judicial system to protect the rights of juvenile offenders has become a genuine calamity. Often unreasonable punishment and sentences are meted out to a child offender as a matter of course. In the name of status offenses juveniles can be incarcerated for actions not considered criminal when committed by adults. Yet experience has shown repeatedly that this type of deterrence is not effective in abating youthful crime.

Judges, court employees, and probation officers need special training to deal realistically with youthful offenders. Many judges who have transferred from adult criminal courts to juvenile tribunals are ill equipped to aid younger people as they might. Too often the entire juvenile justice system is accorded secondary status. Consequently much of it is staffed by second rate personnel. This situation must be improved by more realistic and adequate pay scales to attract more qualified individuals, and by providing the training needed to perform more effectively. By elevating to the highest priorty the problems of juvenile delinquency, H.R. 6265 will help to alleviate the present poor-relation status of the juvenile court.

The National Office of Juvenile Delinquency which is established in the proposed legislation will allow and hopefully encourage the use of volunteers. Increasingly the courts are utilizing volunteers to help fill their personnel void. Judge Keith J. Leenhouts has been a leader in the use of volunteer probation officers in juvenile court. Starting in 1960 with eight volunteers he had helped to build a national system of dedicated individuals willing to give their time to youngsters who have come into conflict with the law. One volunteers took six young people who had been in juvenile institutions on a canoe trip from the Atlantic to the Pacific Ocean. Four of these youths were hard core delinquents who had been considered beyond help by officials in conventional institutions. Yet this single individual, because he was willing to give so much was able to direct these boys away from future crime. By using volunteers we can reach a much larger number of people and save taxpayers money. Volunteerism can and has been used to man essential programs for which no other funds were available.

The cost of crime in human terms is incalculable. The losses in property and injury to lives are obvious. The cost to incarcerate a youngster in a juvenile training school in some states ranges as high as $20,000 per year. When we consider these high costs and the high rates of recidivism, it is clear the States would benefit enormously by providing alternatives to incarceration such as counseling and other programs to steer the individual away from confrontation with crime. One St. Louis program which provide recreation centers and counseling for hardcore delinquents cost the city a total of $325 a year per child. It makes sense to question current methods if we cannot rehabilitate youths that enter the juvenile justice system now at a cost of averaging over $20,000 a year. According to Dr. Jerome Miller, who engineered the deinstitutionalization of the Massachusetts Juvenile Corrections System: "For what it costs to keep a youngster in a training school you can send him to the Phillips Exeter Academy; have him in individual analytic psychotherapy; give him a weekly allowance between $25 and $50 plus a full clothing allowance. You could send him to Europe in the summer and when you bring him back still have a fair amount of money left over."

More and more responsible and recognizing the futility of trying to deter criminals by indiscriminately incarcerating the offender. Fortunately, the legislation before us today gives considerable emphasis to the establishment of new correctional options.

The need for realistic alternatives to incarceration is inescapable. Only that correctional system which stresses rehabilitation over punishment can be successful. Certainly, our penal institutions as they exist are far from rehabilitative. Smaller, more personal community based centers have proven far more effective in reducing recidivism and far less costly to the State. We need to encourage a proliferation of truly rehabilitative institutions, such as drug addction treatment centers and halfway houses, as opposed to the nominal reformatories currently in use. Only in this way can we provide judges the range of alternatives needed to make sentences beneficial to both society and the offender. Incarceration should be avoided whenever possible, but in any and all cases youths must be segregated from adult offenders in penal institutions. To gain the maximum advantage from these alternatives and best aid each delinquent youth, the courts will have to conduct a thorough screening of all juvenile offenders.

We must remember that it is the responsibility of a healthy society to prevent delinquency before it occurs; before an individual has become entangled in the juvenile justice system. Towards this end, street worker programs must be fostered and expanded. Police officers must be trained to work with and understand juveniles. By participating in community and youth affairs both police and "street workers" can communicate more easily with them. Experience has shown that local disturbances can be eased simply by having an officers who is familiar with the neighborhood on hand. Moreover the time of problem-solving is extended. Rather than looking up an offender periodically as difficulties arise, the officer can deal with him on a more continuous basis.

Youth groups like the Boy's Club, The Police Athletic League, and the "Y" can play a significant role in preventing delinquency by seeking out those young persons with a potential for delinquent behavior. Along these lines the use of volunteers must be seriously developed. The great pool of college and high school students, retired senior citizens and ordinary citizens with time to offer can be tapped to provide counselors, club house workers, and administrative aides and to perform a host of other needed services.

The Senate Bill, S. 821 contains a provision to establish a National Institute for Juvenile Justice. As a result of the work of my Crime Committee, I introduced H.R. 19327 which was cosponsored by some of my colleagues in the House to establish a similar institute which is needed to provide the research, demonstration, evaluation, training, technical assistance, and review of all aspects of the juvenile justice system which functions must all be integral components of the Federal effort. I have cosponsored also H.R. 45, a similar measure which was introduced by Congressman Railsback. I would urge you to amend H.R. 6265 to add provision for a juvenile justice institute.

The Senate bill and the House bill differ in one other very important respect, i.e., the Senate bill placed the National Office of Juvenile Delinquency Prevention within the Department of Health, Education and Welfare; the House bill places it in the Executive Office of the President. Mr. Chairman, in view of all our knowledge of the causes of juvenile delinquency, I concur with Senator Birch Bayh's recommendation that HEW is the logical department to become the focus of the Federal juvenile delinquency effort due to its expertise in such related areas as child welfare services, education, mental health, and vocational rehabilitation. All of these services should be coordinated with juvenile delinquency programs.

I shall conclude my remarks with a reference to a letter from F. Gentry Harris, M.D., Chief, Department of Psychiatry, U.S. Public Health Service Hospital, in San Francisco. Dr. Harris responded to my inquiry concerning the possible relationship between school truancy and dropping out, and aberrant or criminal behavior in later life. In the letter Dr. Harris discusses our need to examine several hypotheses concerning the causes of crime, and our need for the processing of information (sensory, social, political, economic, educational, judicial) that the contemporary world thrusts upon us. He concludes:

"*I do hold necessarily that our metaphysical failures are sufficient to explain criminality.* I hold it more likely that the criminal is a particularly vulnerable member of society, probably from a variety of factors, including physical ones, that have placed him at an early disadvantage. This is *his* peculiar abnormality, for which society has no direct responsibility (but which nevertheless we may eventually learn to do something about). This distorts but does not deny his membership in society—a membership which, furthermore, I insist the very contents of his criminal acts attest."

I concur with Dr. Harris' conclusion and I urge favorable consideration of the Comprehensive Juvenile Delinquency Prevention and Treatment legislation that will provide the Federal commitment which is necessary to accomplish what we must!

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE, PUBLIC HEALTH SERVICE,
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION,
San Francisco, Calif., April 30, 1974.

Representative CLAUDE PEPPER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Belatedly, let me express my thanks for your considerations during the hearings before the Committee on Internal Security on 27 and 28 February, and at the lunch with you, Congressman Zion and Dr. Pakull.

Secondly, I have not forgotten your request that I furnish you with some material on the possible relationship between school truancy and dropping out, and aberrant or criminal behavior in later life. I have had to think about that and to check a few items. I regret it comes out rather long, but here is what I must say.

Let me start with a recent news clippings (San Francisco Chronicle, 20 April 1974—enclosed) as an example of the hypothesis which you are asking about. Mr. Armstrong found 84% of juvenile offenders with histories of truancy for three or more years before being charged. (Mr. Armstrong, with whom I talked briefly, says the study is a recent one over a four months period; it has not been published.) No doubt this is a significant percentage (if the sample was statistically adequate)—but significant of exactly what? While truancy may have a statistical connection with later criminal behavior, this suggests many questions we should ask and investigate. Certainly this needs to be done before deciding on what kind of action should be taken—by the courts or otherwise.

Now, let me move to a comment in a letter I recently received from Dr. Jean Ayres of Los Angeles. She was unaware of my preoccupation in this area, but volunteered the following: 'A common comment among those of us who observe the behavior of learning disordered children is that some of the children probably will become criminals. That probability could possibly be reduced.'

So here are two hyoptheses, interesting to me because I tie them together as one, namely, that there is a causative continuum between learning disability, truancy, and eventual criminal behavior. Moreover, I am interested in the possibility that vestibular ('inner ear') abnormalities may contribute causatively to learning disabilities. I give this sequence to illustrate *one* likely possbility, not to suggest that it is the only thing to look at in trying to understand criminal behavior. There are probably several different, perhaps unrelated, as well as several complex mixed, causes of criminality. I am intent here on pinning down a few concretely.

I turn now to a member of my staff, Ms. Laura Gustafson, who offers the possibility that truancy and dropping out may be related more to the good sense of the students and a school system that does not dignify their staying in it. She goes on: 'It makes me personally sad that all the time I was a child it never occurred to me that it was bizarre to be confined to a limited, uncomfortable seat for extremely long periods of time. Rather I always recall assuming that if I were restless it was my problem. It also never occurred to me as odd that the rest of the class, with the exception of the teacher who was able to move around at will, felt the same way—that is, restless.' She feels the student and the school system often *collude* to effect truancy or dropping out, and particularly so when a learning disability (which is not managed in the usual school setting) is involved. These remarks are very suggestive, and imply complications in the picture—and first of all, whether what Ms. Gustafson describes is actually related to truancy and later criminal behavior.

The above is all to be taken as a sampling of questions. We do not know the answers, one way or another. But I am sure answers could be found. Careful, simple counting alone would tell us a lot.

We can put all this together in one diagram, which represents only *one* hypothesis among others:

Vestibular abnormality.	Learning disability.	Truancy, dropping out.	Criminal behavior.
	School system inadequate and unable to cope.		Law enforcement, judiciary unable to cope.

Each element needs careful investigation for elimination, retention, qualification, or modification in the hypothesis. And note particularly where law enforcement authorities and the courts come in. They get the end-products. Their operations (so far) have no relationship to what goes into those products. They are, you might say, on the consumer end of the sequence—which doesn't even reflect back on the origins—at least yet.

One can readily surmise the disadvantages in each of these elements, especially in the fact of the increasing need for the processing of information (sensory, social, political, economic, educational, judicial) that the contemporary world thrusts upon us. But here we can surmise the ingredients of rebellion when the individual, in the present scheme of things, cannot cope in a normal, acceptable manner.

Now, whether there is any *relative* increase in numbers of such individuals is unknown. I doubt if this is the case. But this may make no difference in itself. It is probably safe to assume there is an *absolute* increase; and under present conditions in the world, this may make an enormous difference—tho not related directly anymore to its root causes.

There is considerable evidence, e.g., that schizophrenics are cases of learning disability grown up. And, as I said at the hearings, it was a revelation when it became clear that *all* of over 60 skyjackers studied so far as very seriously maladapted and enormously inept in their lives. They are all failures. All are what we can call schizophrenic—but that term in its conventional connotations is of no help, and tells us nothing we don't already know. We don't ordinarily think of schizophrenics making a great impact on society. Yet this group of skyjackers certainly did, in this country, and indeed in the world. Obviously this is now a matter for political action.

This is a quite startling finding, and certainly indicates the wisdom of studying every such available *individual* as thoroughly as we can. This has not been done, yet it is perfectly feasible. Nor has there been any large-scale attempt to correlate the findings of such study with other factors, among them those I have mentioned above. We cannot speak of genuine knowledge about the phenomena in which you, I and others are interested, until this is done. And we cannot speak of the exercise of genuine political action—in the best sense of basic political philosophy—until this is done.

Let me now turn to some broader aspects of criminality, in society, which may be particularly relevant to terrorism. From this perspective I think it useful to view terroristic acts as incipient events stemming from social, political, economic, judicial, etc. inconsistencies. I call them incipient because they are nascent, not well formed, and not representative. They are merely reactive, perhaps attempts at some kind of restitution; but they rarely work out—because the terrorist and the terrorized can't agree to make a competitive or cooperative enterprise of the matter of terrorism.

But what is the terrorist otherwise? Is he perhaps like the ordinary criminal (hypothetically) presented above? Do vestibular abnormalities, learning disabilities and truancy figure in his history? Or do we really have a genuine political cause in his case? We don't know the answers to these questions either. But we could probably find out.

While on this subject I should mention another matter which is relevant. The violent or terroristic and unconstructive protestor is being increasingly confused with the peaceable, constructive protestor—as if protest can only go in one direction. This is unfortunate indeed—and dangerous. It means stalemate. The non-criminal protestor is a cause, but I am here viewing the criminal more as an effect, an end result. The criminal is a *product* merely; I do not conceive him as a *producer* (except in the pathological sense of his being an infectious agent). He does not, in his criminality, constitute a design or plan. but a mere reactivity. But I do view him as delivering (inadvertently) the clearest of messages; which we can now decipher—for the first time in history: simply that we have failed and are failing in our metaphysics of criminality.

In that sense only—and provided we interpret the message in the criminal's *criminality*—can we conceive of his behavior and conduct as having meaning. Note that I say, 'the message in . . .' I do not credit the criminal as the originator of the message; he is, from this perspective, merely the *messenger* who deliver it. To distinguish between his individual heinous act and his role as messenger messenger is most important. In ancient times the messenger who delivered bad news was beheaded. Let us not *merely and only* continue that practice, as if that is the solution, and *all* there is to the matter. This does *not* mean that I condone or approve or tolerate his act; it does mean that I think we can make much more of it than we usually do with our scapegoat procedures.

Let me be clear also about another point. I *do not hold necessarily that our metaphysical failures are sufficient to explain criminality.* I hold it more likely that the criminal is a particularly vulnerable member of society, probably from a variety of factors, including physical ones, that have placed him at an early disadvantage. This is *his* peculiar abnormality, for which society has no direct responsibility (but which nevertheless we may eventually learn to do something about). This distorts but does not deny his membership in society—a membership which, furthermore, I insist the very contents of his criminal acts attest.

I could go on, but I think this is enough. I hope it gives you an idea of how things can be put together, while at the same time recognizing the provisional nature of the resulting structure, and the necessity of careful study to see whether it is the way matters really are—or are not.

With personal regards and best wishes,

F. GENTRY HARRIS, M.D.
Chief, Department of Psychiatry.

[From the San Francisco Chronicle, Apr. 20, 1974]

A DRIVE TO HALT CRIME IN SCHOOL

(By Ron Moskowitz)

State Superintendent Wilson Riles and Attorney General Evelle J. Younger launched a joint statewide campaign here yesterday to end violent crimes and vandalism in California's public schools.

"Juvenile crime is nothing new," Young conceded to the more than 600 school officials, parents, judges and probation officers who thronged the opening session of a conference to kick off the campaign at San Mateo's Royal Coach Inn.

"But," Younger added, "we're talking about real crime now—rape, robbery and murder."

"In some schools, teachers and students are legitimately fearful. This is intolerable under any circumstances. But if you're trying to teach something at the same time, it is even more intolerable."

Riles agreed with Younger. He urged the delegates not to relax their efforts "as long as the parents of a single child fear for his safety at school.'

Riles called publicly for a joint effort by law enforcement, social service, juvenile, probation and education officials to solve the problem.

He also flatly called for the use of private or public uniformed police in schools when that is necessary to maintain order and prevent violence.

"What I'm hoping is that police and school people will try to understand what it is we're dealing with. We cannot be a warring camp. We must work together to solve the problem.

"As long as we feel that the police are the enemy we're not going to get anywhere," said Riles.

Younger said the question of whether police belong in a school "depends on the policeman."

"I have seen schools where the policeman on the campus was the most important person in the school," Younger said. "He was the student's friend, his buddy, his den mother."

Riles said "the old idea about police not being good on a campus has changed."

Younger agreed, saying that notion "was current in the 60s, but is not the prevailing mood now. This is particularly true now in ghettos, with parents and students asking for police on the campus."

Riles said that for too long, "there has been a concept that minority citizens are soft on crime."

No one, black or white, wants to be hassled by the police," he said. "But the people in Watts want as much police protection as the people in Beverly Hills. Black people are the victims of crime."

In recent years, Younger said, such serious offenses as carrying deadly weapons, assaults and even murder have been increasing at a faster rate than lesser crimes on school grounds.

"In Los Angeles county, between September and December of 1972, juveniles committed assaults on 122 teachers and 512 students in schools within the county," Younger said.

"And a special survey of 81 school districts by the Los Angeles county superintendent showed two murders, 49 assaults on peace officers and 299 cases of weapons possession on school grounds.

"We've got a real crisis on our hands," he emphasized.

Younger added that his office will work with Riles to get new laws passed giving educators "more adequate tools" to control and prevent school violence and vandalism.

Training materials for school and law enforcement officials dealing specifically with school violence problems have been prepared and are now available.

Crackdown on Truants Urged

Judge John J. Purchio and attorney Gordon H. Armstrong urged school officials yesterday to take stronger action against truants in order to prevent them from later becoming criminals.

Amstrong, who heads the public defender's juvenile bureau in San Francisco, said a study he made shows that 84 per cent of the juvenile offenders he handled had histories of truancy for at least three years before being charged with a crime.

"As an attorney, beg you to start doing something about truants earlier so that the court can step in and help in these situations," Armstrong said.

Judge Purchio of the Alameda county Juvenile Court had a similar messages, defining truants as those who are "ripping off people's houses when they should be in school."

"If you don't get to him early enough as a truant, we'll get him later as a burglar or a murderer," the judge warned.

The two men spoke at the opening conference of a statewide campaign to end school violence and vandalism.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Pepper. In the letter he says—he is giving me some data that he had collected about this subject; this letter was dated the 30th of April 1974—"let me start with a recent news clipping, San Francisco Chronicle, April 20, 1974, as an example of the hypothesis which you are asking about. Mr. Armstrong"—he is the one that made this study—"found 84 percent of juvenile offenders with histories of truancy for 3 or more years before being charged.

Mr. Armstrong says the study is a recent one over a 4-month period which has not yet been published.

In other words, I know the distinguished lady from New York, Mrs. Chisholm, is very much interested, as we all are, in this matter of school dropouts.

In my opinion the school dropout—and that is evident by the opinion of many juvenile judges who testified before our crime committee—is almost inevitably headed to the juvenile courts for the perpetration of crime.

And after they have been through the juvenile courts, our testimony indicated, about 50 percent end up committing more serious crime after being incarcerated in the penal institutions of this country.

So you can see how relevant to the matter of crime prevention is preventing school dropouts and trying to do something to change the behavior pattern of these young people who are headed into the juvenile courts and into the penal institutions.

Then he adds a further paragraph:

> Now, let me move to a comment in a letter I recently received from Dr. Jean Ayres of Los Angeles. She was unaware of my preoccupation in this area but volunteered the following: "A common comment among those of us who observe the behavior of learning-disordered children is that some of the children probably will become criminals. That probability could possibly be reduced."

Then Dr. Harris in the next-to-the-last paragraph of his letter to me says:

> Let me be clear also about another point. I do not hold necessarily that our metaphysical failures are sufficient to explain criminality. I hold it more likely that the criminal is a particularly vulnerable member of society, probably from a variety of factors, including physical ones, that have placed him at an early disadvantage. This is his peculiar abnormality, for which society has no direct responsibility but which nevertheless we may eventually learn to do something about. This distorts but does not deny his membership in society, a membership which, furthermore, I insist, the very contents of his criminal acts attest.

So we have from a man who has made a very thorough study of the subject a conclusion that many of us have also arrived at. If something is wrong with these young people who become perpetrators of crime, who drop out of school, who depart from an ordinarily approved standard of social behavior, personal conduct, which becomes a crime in the definition of crime as we understand it, what do you do?

You are proposing here an institute. I think you are already considering that it might be placed in the Department of Health, Education, and Welfare. It is not so important where it is placed as that this commission that you are setting up, the agency that you are providing for, have the authority to deal with the whole subject of youth abnormality which eventually becomes what we call crime.

As it is now the authority and the jurisdiction to deal with this subject is divided among so many agencies and departments and people that you can't focus in any one place the authority to deal adequately with the whole problem because it is a problem of many facets. You have to deal with all of those facets if you are going to deal adequately with the problem.

So, for example, as a matter of fact, the environment of the mother, of course the character of both the mother and the father and the ancestors have a bearing on what kind of a child the child is to become.

The care that the mother receives, medical and otherwise, the environment of the mother during the period of pregnancy, undoubtedly has a definite impact upon what kind of a child that child is eventually to be.

I have heard it said by learned people that even the first few months, maybe the first 2 or 3 years of a child, is to a large degree determinative of what that child is to be not only physically but mentally and spiritually, as we say.

Certainly those early years in the life of a child are the most formative years.

I don't say it with any disparagement. I don't happen to be a member of that faith. But I have heard it said that the Catholic church says, "give me a child until he is 7 years old and you can take him and thereafter he will be rooted in the faith of our church."

That simply emphasizes, whether that saying is true or not, the opinion that many of us have that those really formative years are to a large degree determinative of what you are going to be thereafter.

My wife has a sort of a facetious thing she says: "when you are born, you are done for." So your predilections, of course, are going to have a large influence on your future life.

Then they enter the school. There is the medical care that the child needs to have while he or she is in the school and then the kind of training that the school affords today because of the inadequacy of funds available for the schools of the country each teacher has so many children to attend that the teacher can hardly give adequate attention to the individual child in the classroom where so many students are assembled.

But the curriculum itself is more or less designed for the ordinary child. The first bill I introduced in the Senate in February of 1937 was a bill for Federal aid to handicapped.

We have provided a lot of attention to children that have defects of hearing, defects of sight, perhaps other defects that are more or less physical in character.

But what about the child, as Dr. Harris says, who has just some sort of strange lack of adaptability to the norm, some strange aberration and doesn't have quite the proper orientation in society of which he or she is a part?

I don't know of anybody that provides any assistance to that child yet that is what we call, for lack of a better definition, an "abnormal child," that really becomes the problem child.

So we have got to go beyond what we have generally called the disability of the child. They are educationally retarded.

Public schools are not geared to educate all students. A report entitled "Literacy Among Youth 12 to 17 Years," just published by the National Center for Health Statistics, HEW, indicates that according to data compiled for 1966 to 1970, a million children fail the literacy test. This million includes 22 percent of all black youth in this age group from families having less than $3.000 annual income.

We know that the inability to read is the cause of educational retardation of a number of people.

So if we could have an agency such as you propose to create, the physical aspects of this program, the environmental, the educational, the vocational, as it were, aspects of the problem, you could do something if you had the funds to save a lot of those young people from becoming criminals and members of society from becoming the victims of those children, their criminality, in the years ahead.

So, Mr. Chairman, I think you are proposing here one of the most vital proposals that could be offered not only to straighten out crooked lives or twigs that are already being bent in their tender immaturity but to protect the people of this country from crime.

In this field now I am talking about the preventive aspects of children becoming perpetrators of crime. These preventive efforts are far more numerous than the ones I have just spoken of. Let me mention only one—the area of recreation.

Many of the children of today live in ghettos where they don't have recreational opportunities. Our school busing system is such that generally as soon as the child has finished his day's work in the school, the curriculum requirement, why he is herded off in a bus and taken back home. Where? In too many instances to a ghetto where there are no opportunities for recreation or anything like wholesome, supervised play.

A great deal of assistance can be given to the children by providing the recreational opportunity for them.

By the way, there was a reduction from $4 million to $2 million or from $8 million to $4 million in the funds provided last year in the educational appropriations for preventing school dropouts.

So maybe you can supplement the deficiency that exists in that area of legislation.

But anyway why couldn't your agency in looking over the broad spectrum of the children's needs of this country suggest and stimulate and help to provide additional recreational opportunity for these children?

I am talking about affirmative positive assistance to them. They could stay on the school grounds, at least in the better-weather part of the year, until late in the afternoon and be taken home then instead of being taken home early. If it costs a little more, what is a child worth? What is it worth not to be murdered or raped or robbed?

For that recreational opportunity you can stimulate volunteers to work with these young people to encourage them to lead a wholesome life.

We had an instance in our Crime Committee of a man who was a very successful man in business who became so concerned about the delinquency problem of the youth of this country that he took 6 months off from his own business, took 5 young people, all of whom had had serious connection with crime, had been serious juvenile delinquents and been before the juvenile courts, and took them, with one photographer only beside himself, on a canoe trip from the Pacific Ocean to the Atlantic Ocean over a period of 5 or 6 months.

Can you imagine any juvenile crime or any crime of any kind being committed by those boys, fascinated with that adventure which they were experiencing?

In many instances it exists all over the country where volunteer groups have come in to work with young people to try to help them.

I was making a talk not long ago to the Florida Bar Association in Miami. I said to these lawyers who were prominent people all over the State, I said:

> Listen. Next time you are going on a fishing trip or an outing, hunting or something else, suggest to your son or your sons who are going with you that

> they might consider whether they have a friend in school or another young boy who has been having trouble or doesn't have the opportunities that they have in your home and see if your son would like to invite one or two of those boys to go along with you, boys that are on the perimeter of trouble, boys that are about to drop out of school or maybe have already dropped out.

I said, "Just one trip like that might change their whole outlook and their whole life style of a young man like that."

So your agency that you propose to create here can stimulate and encourage volunteers in the country to help the boys and girls of this country to lead long and decent lives.

Now, just one other thing, the other aspect of it. What do you do when we fail, when society fails to help this boy or girl to live a normal life?

Well, we run them into the juvenile courts. Over the country as a whole the juvenile judges are not too well qualified for the important responsibilities that they have.

To show you what the right kind of a judge can do—and I saw this judge and I mentioned this before him—this judge in Orlando, Fla., his name was Orlando, he lives in Fort Lauderdale and is now a circuit judge—that judge took 10 boys in his juvenile court and he got them into a marine program for which there was some public assistance available to teach these boys something about marine affairs.

At the end of 11 months of that program these boys, instead of being back in crime, one had gotten a job in Orlando, Fla., paying $5,000 a year. Every single one of the rest of them had stayed in the program. The judge told me that practically every one of those boys turned out very well and didn't get back into crime. He said, "Now we have got five of those programs going in Florida."

That shows what kind of a juvenile judge you need.

There was a man—I don't recall his name right now—who made a nationwide study for the Christian Science Monitor. He later testified before our committee. He came back with a very, very tragic finding as the inadequacy of the training and preparation and temperamental qualifications of the juvenile judges in the country.

That is where the institute that you propose to incorporate can be of very great assistance.

So what do you do with them when they come into the juvenile justice system? Dr. Miller, who was then the head of the correctional system in Massachusetts, closed down everyone of these big old retention institutions, warehouses of offenders in Massachusetts and put into effect local institutions where the young boy or girl could be kept close to home, could have an opportunity to get personal attention. In some instances they sent them to college.

He gave us an interesting figure. He says it cost ordinarily about $20,000 a year in most States to incarcerate a youthful offender, a juvenile delinquent who has been guilty of crime and so judged.

But Dr. Miller found a far more effective way to deal with these young people and he also found a more inexpensive way.

This is what he concluded. I quote Dr. Jerome Miller.

> For what it costs to keep a youngster in a training school you can send him to the Philips Exeter Academy, have him in individual analytical psychotherapy, give him a weekly allowance of between $25 and $50 plus a full clothing allow-

ance, you could send him to Europe in the summer and when you bring him back still have a fair amount of money left over.

That is what you can save in money with intelligent planning in handling boys and girls who are becoming juvenile delinquents. You can save their lives and you can save money. You can save society from their criminality. But you have got to have people in charge of these programs who have the right point of view, the vision, the understanding of what you need to do to try to help these young people.

By the way, the great tendency now—and I am sure it would be under the Commission that you propose—is to try to, instead of getting these people into the courts, to divert them from the regular court procedures and programs and to give them the assistance that they need otherwise.

For example, suppose they find that a boy who is incarcerated for being a juvenile offender has bad health, bad teeth, imperfect hearing or defective eyes and the like.

Instead of locking him up in an institution, you send him to the appropriate facility to try to give him assistance to correct the defect that he has.

Also if he lacks education you send him to school. You hold over him the possibility that he will be incarcerated and punished if he doesn't take advantage of the opportunity that he has.

So in substance and in short, Mr. Chairman, what you and your committee and your cosponsors are proposing to do is to take an intelligent look, looking at the problem of juvenile delinquency, education and other kinds of retardation or inadequacy to try to help those young people to live normal, useful, normal lives and if they do offend, if they do manifest an aberration, then we try to deal with that aberration in the way that is most effective and accomplishes the best result.

You have chosen the right way to do it by putting the authority to deal with this problem in a single agency. I at one time was informed that there were 22 agencies in the United States dealing with the problem of youth. So you can deal with the educational aspects, the environmental aspects, the physical aspects, the psychological and psychiatric aspects of the matter. You can deal with the the whole subject.

I hope you will make your agency here, the authority that you provide, comprehensive. I wish you could take it out of every other agency where any of it exists and put it in one agency so that the whole subject could properly be coördinated and the proper effect properly directed.

Thank you very much, Mr. Chairman.

Mr. HAWKINS. Thank you. You have certainly made a great contribution to this subcommittee.

I have just one question because I think you have answered several of them already, particularly with respect to coordination. We have had testimony before this subcommittee by a representative of the Office of Youth Development that there is a tremendous amount of money which is now being expended on this problem. It was his position that since such a tremendous amount is now being expended that to expend any additional amount as we propose in this bill is wasteful and duplication of effort.

I think you have successfully answered that.

Mr. PEPPER. Mr. Chairman, what they are doing is a penurious contribution. The problem is so great that what we are presently doing with all the efforts that we have is relatively infinitesimal compared to the magnitude of the problem.

So you are not offering to spend too much. If anything you are offering to spend too little.

We found that for one authorized person in each of the schools who is capable of dealing with the drug problem, I have forgotten how many hundreds of millions of dollars a year it costs for just that one thing, to put one person in each of the schools of this country knowledgeable in how to deal with the drug problem, just one. I have forgotten. It costs several hundreds of millions of dollars. There are something like 50-odd million schoolchildren in this country.

Mr. HAWKINS. The only question I would like to address to you at this point, is as chairman of the House Select Committee on Crime, I am sure that you have had an opportunity to look into the operation of existing agencies and probably had testimony from some existing agencies such as the Office of Youth Development and the Department of Health, Education, and Welfare. Also, I am sure you must have had testimony from the Law Enforcement Assistance Administration and others in dealing with this problem.

I would assume from what you have said that you found what is now being done in the performance of these various agencies in this particular area must be inadequate and calls for the creation of another agency which would have a different perspective or at least a more coordinating, planning and innovative role. What is your comment on that as chairman of the Committee on Crime?

Mr. PEPPER. All of these agencies, Mr. Chairman and members of the committee, have conscientiously and concernedly done all they could to help. But it is like the warden of Attica Prison when we went up there to investigate the riot that occurred.

The early part of the week in which we visited he said, "I know how to run a penal institution. But I haven't got the money."

He didn't have a single person in charge of recreation, grossly deficient educational and training opportunities for the personnel and the like. LEAA has got less than $1 billion to do everything it is try to do. They couldn't do it all if they had $10 billion.

As a matter of fact, they are trying to help the police department. They are trying to help the State provide better correctional institutions. They don't have money enough to try to help the school system stop more dropouts in the country. They don't have enough money to encourage adequate volunteer programs over the country. They have got so many State jurisdictions, so large a challenge, that they can only deal with just a minor phase of it because they don't have money enough.

Governor Rockefeller said to us when we met with him before we went to Attica, "I know we need to modernize our prison system in New York." But turning to a State senator who was chairman of the State committee on crime, "Senator, how much would it cost to modernize our penal institutions?" They agreed about 200 million dollars. He said, "We haven't got 200 million dollars." And they have still got Attica.

So the LEAA has done a magnificent job. We are very proud of it. But they just don't have anything like adequate funds to deal with the numerous problems that they have. Only a small part of what they have has been available to deal with the youth problem in this country, the juvenile delinquency problem.

Yet that is one of the mainstreams contributing to the crime in this country. If you really wanted to stop crime in this country or reduce it 50 percent you could do it by stopping young people from becoming perpetrators of crime and stopping people who come out of the prisons from becoming repeaters in the commission of crime. But how much money have they got to spend on either one of those subjects? You are not going to have anything like enough, whatever you have. If you had twice as much as what you are asking you could only scratch the surface of this problem, Mr. Chairman.

Mr. Hawkins. Mrs. Chisholm.

Mrs. Chisholm. Thank you very much, Mr. Chairman.

I would like to say to the Senator perhaps I might disagree with you. The LEAA in my humble opinion can do much more than it is presently doing if the LEAA like so many institutions in this country recognizes that the preservation and the conservation of the human resources of this Nation are most important. This has to be the philosophy that this society adopts.

The fact that just the other day I sent a letter to Governor Wilson to remove a 15-year-old girl from the Bedford Hills Reformatory for Women in upstate New York is an indication that it is not even only the money. It is not even not enough resources. We do not have the commitment. We do not really have the commitment in terms of recognizing or realizing that the human resources in this country are the most important resources.

Therefore if we have the commitment the establishment of new institutes and new commissions and what have you can do the job if you also put in those institutions and in those prisons and the rehabilitative positions people that have the correct attitude.

I have gone into a number of juvenile courts in this country over the past 15 years because I have been very much interested in this entire area. The complete insensitivity and the complete lack of understanding and the relationship between those who are in authoritative positions in our corrective institutions, whether for juveniles or not, does exist. Money in and of itself is not the answer to the problem.

I think it has to be an attitude that is exhibited from the top authorities in this country all the way down that the conservation and preservation of our human rsources is the most important resource.

When you mentioned our distinguished Governor of New York——

Mr. Pepper. I thoroughly agree with you.

Mrs. Chisholm. I would just like to say something. Governor Rockefeller knows that the fact that we need thousands of dollars and don't have enough dollars to do what we need to do in the area of juvenile homes and what have you. But the fact of the matter is that Governor Rockefeller, the Governor of New York, is spending thousands of dollars on a mall which still has not been totally completed.

So I am saying it is not money alone. It is an attitude and a commitment and a concern for people.

In light of what I have said to you, do you really feel that LEAA's existing structure will provide a suitable means for funnelling Federal juvenile delinquency funds to the States?

I remember when LEAA came into existence in two States in particular they spent over 65 percent of their funds for mace and bullets and air-conditioned automobiles were brought in for the police force. Nothing was spent on the training of personnel to deal with the problems that were running rampant with respect to the juvenile delinquents in those particular States.

In the light of that kind of record that we have on the books do you feel that LEAA could be structured to funnel these funds?

Mr. PEPPER. LEAA's main emphasis has not been on juvenile delinquency prevention. I don't know exactly what they have done. I know of grants they have made that have been helpful. As I said, they don't have enough money to do even a small part of the problems that are presented by crime in the United States, the various aspects of it. Little of their expenditures, in my opinion or in my estimation, have been on juvenile delinquency prevention.

Mrs. CHISHOLM. There is a new kind of delinquent that is moving into society that is becoming a real statistic. Those are the dropouts particularly in the southern part of this country where we are having the desegregation of school facilities and minority youngsters are now going into primarily white schools or white areas. Because of the failure or the inability or lack of understanding on the part of the personnel in those schools to deal with these newly arrived youngsters who don't understand patterns of behavior, don't understand the environment from which these youngsters come, we now are beginning to find that many of these youngsters as a result of the desegragation of school facilities are being pushed out and are becoming juvenile delinquents because there is nobody or no institution to pick up that concern.

What do we do in a situation like that when you already have in the public school system persons who are trained and persons who are educators who are not able to deal with the youngster?

Mr. PEPPER. I will say to the distinguished member that recently I appeared before the Miami City Commission at the same time that the chief of police of Miami appeared.

I asked what percentage of the offenders in Miami were young people under 18 years of age. He gave the usual figure of about 50 percent.

I said, "How many of those are high school dropouts?"

He said, "About 9 out of 10."

Well, then, the other day when we had the education bill on the floor of the House I asked the chairman what money was available in that bill for trying to prevent school dropouts in the schools.

They said that there were three sections that offered some funds and that section I offered some funds to the schools of the country, although a grossly inadequate sum.

I wrote the superintendent of public instruction of Dade County and urged him to start a program to try to take advantage of Federal money that I thought might be available, start a program correlating school dropouts with the police authority to see how many of them went into crime and to try to develop a program in the schools that would prevent the school dropout.

Yet the amount of money available to assist in doing that is just negligible under any legislation that we now have. We have to have a billion dollars a year at least available to help the school and that would be grossly inadequately.

But the saving of children and the saving of victims of crime would be immeasurable if we would do it.

Mrs. CHISHOLM. Thank you very much.

Mr. PEPPER. Thank you.

Mrs. CHISHOLM. No further questions.

Mr. HAWKINS. Thank you very much, Senator. We certainly appreciate the opportunity to have you address the subcommittee.

Mr. PEPPER. I appreciate the privilege and the honor of being with you.

Mr. HAWKINS. The next witness is Mr. Charles R. Work, the Deputy Administrator of the Law Enforcement Assistance Administration.

Mr. Work, we welcome you to the subcommittee.

We do have a prepared statement from you which will be entered in the record in its entirety at this point.

You may proceed to read from it or to summarize it as you so desire.

[The statement referred to follows:]

PREPARED STATEMENT OF CHARLES R. WORK, DEPUTY ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. Chairman, I am pleased to appear today before your subcommittee to present the views of the Law Enforcement Assistance Administration on H. R. 6265, and to discuss the role played by LEAA in dealing with the complex issues surrounding what is termed "juvenile delinquency."

I want to extend my appreciation to the Committee for convening this public forum which has allowed attention to be focused on the issues surrounding juvenile delinquency and the resources needed to effectively combat it.

The reduction of juvenile delinquency is an important part of the overall effort both to prevent, control and reduce crime, and to improve the nation's criminal and juvenile justice systems.

Last year, with the enactment of the Crime Control Act of 1973, the Congress required that LEAA specifically include the problems of juvenile justice as an area towards which our resources are to be focused. For the first time, each state participating in the LEAA program is required to have a comprehensive program for the improvement of juvenile justice.

One consequence of that demonstration of Congressional concern is our inclusion of juvenile justice and delinquency prevention as one of LEAA's four top national priorities for program action. We are determined to make an impact on the problems of juvenile delinquency through the joint efforts of citizens groups and local, state and federal governments. With attention concentrated on the problem, we believe progress can and will be made. LEAA has recently accelerated its national effort in the area of juvenile delinquency through three developments. First, LEAA early this year established a Juvenile Justice Division within its Office of National Priority Programs. This makes possible the placing of new emphasis on juvenile justice action programs among the various contenders for LEAA funding. The Division is being strongly encouraged to establish new and innovative programs and is now in the process of developing formal LEAA juvenile justice policies and program objectives. Once established, thes objectives will be aggressively pursued. We will look at the total problem and work towards solutions in a balanced manner.

Secondly, a Juvenile Delinquency Division was created within LEAA's National Institute of Law Enforcement and Criminal Justice. This office will expand the level and breadth of delinquency research and will sharpen the focus on the prevention of delinquency.

The third development on LEAA's accelerated juvenile justice effort is the revitalization of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. The Interdepartmental Council can be effective in providing necessary interagency cooperation.

The first two years of the Council's existence were used for collecting and analyzing the information needed to fulfill its mandate. There are currently efforts underway to strengthen the Council and assure participation and support of all the members. LEAA in January of this year provided a core of permanent staff for the Council. As you know, LEAA Administrator Don Santarelli is Chairman. Another area of strengthening is the Council's effort to coordinate planning efforts among the major federal agencies involved in juvenile delinquency programming. The Council's recently published FY 1973 report gives a more detailed explanation of its activities and I would like to submit a copy for the committee's study.

The men and women of LEAA's newly established juvenile divisions exemplify our intention to accelerate and concentrate LEAA's juvenile justice and delinquency prevention efforts. Emphasis has been placed on hiring skilled professionals whose expertise adds a new dimension to our existing program. I have attached as an appendix to my statement a brief summary of the qualifications of these individuals.

Mr. Chairman, it is generally agreed that the policemen, the judges, and the probation, parole and corrections officers who deal with juveniles are among the most dedicated in the criminal justice system. Too often, however, they are hampered, and sometimes shackled, by outmoded procedures, a lack of funds, and inadequate facilities for caring for youthful offenders.

It is not surprising that their hard work and dedicated efforts often appear fruitless.

In addition, the criminal justice system is often viewed at a catchall for those children too difficult to be dealt with by normal community facilities. The fact that nearly 40 percent of the juveniles incarcerated today in institutions, jails, and detention facilities have committed no criminal act borders on being a national shame.

The criminal justice system too often does not correct, does not rehabilitate, and, in some instances, does not even meet minimum conditions of human decency.

It is a shortcoming that we must work to remedy. Those young people who do not belong in the criminal justice system should be diverted so that appropriate attention may be given to the individuals who most need it.

LEAA is aggressively working to help find solutions to the problems of juvenile crime, and I would like to describe specific examples of LEAA juvenile programs, so as to bring into context some of our objections to the legislation currently pending before the subcommittee.

During fiscal year 1972, the most recent year for which complete figures are available, LEAA awarded nearly 140 million on a wide-ranging juvenile justice program. More than $21 million, or 15 percent, was for prevention; nearly $16 million, or 12 percent, was for diversion; almost $41 million, or 30 percent, went for rehabilitation; $33 million, or 24 percent, was spent to upgrade resources; $17 million, or 13 percent, went for drug abuse programs; and $8 million, or 6 percent, financed the comprehensive juvenile delinquency component, of the High Impact Anticrime Program.

Because of the growing nationwide interest in juvenile delinquency prevention, it is expected that outlays in each of the categories I have mentioned will continue to increase. The amount expended by LEAA which has an impact on juvenile crime is actually more significant. Since juveniles are such an important element of the overall crime problem, nearly all of the law enforcement assistanc provided may have an indirect effect on combating juvenile offenses.

Under the LEAA program, each state has flexibility in determining how block grant funds will be used. In enacting the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 1973, Congress affirmed that "crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."

The states have developed a number of far-reaching and progressive programs. We assist in the state planning process to the extent necessary to assure compliaance with Congressional intent and LEAA guidelines. While LEAA does administer a discretionary fund used to make grants for juvenile justice and related projects, we coordinate our efforts with the Law Enforcement Assistance Administration's regional offices and state planning agencies to assure that a proposed project is consistent with the state's comprehensive plan for law enforcement assistance.

I would like to describe a few LEAA juvenile justice and delinquency prevention activities in somewhat greater detail:

DIVERSION

It is now well documented that youths whose behavior is noncriminal—albeit problematic and troublesome—have inordinately preoccupied the attention and resources of the juvenile justice system. Recent nationwide priorities have focused on developing viable diversion mechanisms for attending these youth outside of the juvenile justice system. Locally operated Service Bureaus have been the frequent vehicle for this service. The essential goal is one of delivering needed services or attention in such a way and at a time that may be crucial in preventing the development of a criminal career. While diversion does not represent an answer by itself, neither do we want to support random growth in the number of youths under juvenile justice system supervision.

It is frequently the case that diversionary programs, especially those that provide alternatives to incarceration, make possible the delivery of treatment in smaller programs that are available in institutional facilities. Recent research indicates that the smaller programs are more effective toward rehabilitation than larger incarcerative institutions.

One model diversionary program is in Indiana. The state has developed a statewide Youth Service Bureau system involving 23 cities and serving 100,000 youths in the 10 to 18 year old category. Indiana's primary purpose is to provide an alternative to court proceedings for youths not in need of adjudication and who may or may not have been picked up by police. The bureaus do this by identifying resources available to help youths, identifying service gaps and providing or encouraging new resources, diagnosing an individual's problem, and referring him to the relevant community agency for treatment. The bureaus also improve cooperation among private and public juvenile agencies and strengthen community resources.

REHABILITATION

Rehabilitation projects took the largest share of LEAA's juvenile delinquency money—$40.8 million in fiscal year 1972. Nearly three-fourths—or almost $30 million—was allocated for community-based treatment programs.

A major LEAA-financed program involves research on the phasing out of juvenile institutions in Massachusetts. They have been replaced by community-based programs—for example, group homes, foster homes, and other services which are provided for youth on a large-scale purchase-of-service basis. Research is being conducted comparing the effectiveness of these alternatives to the incarcerative facilities. This is an important research effort as it is the only large-scale evaluation of the development of community-based alternatives to incarceration of juveniles. The results of this research will have nationwide implication.

Another important research study funded by LEAA—"A National Assessment of Juvenile Corrections"—is under way in all 50 states. This project will develop a nationwide portrait of juvenile corrections, including an analysis of the juvenile codes of the 50 states and state juvenile justice systems. A sample of 16 states is being intensively studied, within which approximately 70 correctional units were selected for detailed analysis. These include 10 juvenile courts, 5 detention units, 15 probation department, 15 local intensive community-based programs, 15 institutions, and 6 halfway houses. This research will provide empirical bases for evaluating the effectiveness of juvenile corrections programs.

UPGRADING RESOURCES

The portion of LEAA's juvenile delinquency program called "Upgrading Resources" includes construction, personnel recruitment and training, with funding of nearly $33 million in fiscal year 1972.

Included in this program is a $181,998 grant to Maryland to provide full-time public defender services in Juvenile Court for indigents in Baltimore and major urban counties. These jurisdictions, which have a total of 15 full-time public defenders for juvenile indigents, have a combined total of up to 12,000 formal juvenile dispositions per year. This project was continued in fiscal year 1973, with total LEAA funding expected to amount to greater than $425,000.

In Kentucky, a $240,000 grant is funding the services of a Juvenile Court Services Team as part of a five-county program of Community Delinquency Rehabilitation and Prevention. The goal of this program is to reduce recidivism among juveniles handled by the Juvenile Courts by 30 to 50 percent within one year of their release by the court and by 20 to 40 percent within two years. The teams work to upgrade the procedures and rehabilitative resources of the courts.

An $87,000 LEAA grant funded a statewide juvenile delinquency training program in Virginia. Under this grant, nine juvenile delinquency experts train state personnel who work with juvenile delinquents. In the past four years, training has been given to juvenile delinquency workers in Virginia's seven state-operated training centers, juvenile delinquency courts, detention homes, probation houses, halfway houses, and a reception and diagnostic center. In fiscal year 1973 the program was expanded to increase training capabilities. Nearly $125,000 has thus far been committed to the program.

DRUGS

Drug programs totaled $17.7 million for fiscal year 1972. The largest portion—$11.8 million—was for treatment and rehabilitation. Prevention and education totaled $5.4 million, research $400,000, and program personnel $60,000.

One such project is San Diego County's "Drug Education for Youth," which received $59,343 in LEAA funds in fiscal year 1972. This program seeks to reduce juvenile drug arrests through a comprehensive, coordinated program of education and counseling.

DEFY maintains a 24-hour "hot line," which provides instant counseling by a drug abuse counselor to youngsters with drug problems. DEFY also provides outpatient counseling, and expects to provide this service to 1,500 youngsters this year. The "hot line" averages about 3,500 calls per month.

In addition, DEFY has five community health education teams that tour the county telling teenage boys and girls about alternative life styles. The teams also meet with community leaders to tell them about DEFY's services in helping to cope with drug problems in their communities.

LEAA encourages the states to determine their priorities and device appropriate programs of enforcement, training, prevention, treatment, and rehabilitation in the area of drugs.

STANDARDS AND GOALS

Another important program dealing with juvenile delinquency is the comprehensive material drafted by the National Advisory Commission on Criminal Justice Standards and Goals.

The Commission's standards and goals are divided into five major reports: police, courts, corrections, criminal justice system, and community crime prevention programs. Experts on juvenile delinquency served on each commission task force and their ideas—derived from many years of experience—are included in every aspect of the commission's final report.

Judge Wilfred W. Nuernberger, of the Separate Juvenile Delinquency Court of Lincoln, Nebraska, served as Chairman of the Advisory Task Force of Juvenile Delinquency. Judge Nuernberger is a recognized authority in the field of juvenile delinquency. His considerable expertise and knowledge was backed by many other juvenile delinquency experts.

Herbert Beasor served as a Commission consultant and wrote several of the Commission's juvenile delinquency standards. Mr. Beasor is a former chief counsel of the U. S. Children's Bureau and served on chief counsel of the Senate Subcommittee to Investigate Juvenile Delinquency.

These are just two of the outstanding people who provided the Commission with valuable thoughts on juvenile delinquency problems. To demonstrate how effective juvenile delinquency programs are interwoven through the report, I would like to submit for the record a copy of "Standards and Goals for Juvenile Justice", recently compiled by LEAA. A review of these standards should provide an outline of practical and realistic procedures to design a juvenile delinquency program.

As I mentioned, these standards and goals were drafted and written by men and women with years of experience in their fields. They drew up standards and goals that could be implemented by the state and local criminal justice and law enforcedment agencies across the nation, if the agencies feel that they are appropriate for that area's particular needs.

We feels they have put together an effective program.

LEAA's Juvenile Justice Standards Project is currently developing standards for all major aspects of the juvenile justice systems. This builds on the work of the National Advisory Commission on Criminal Justice Standards and Goals, in that it is focused specifically on juvenile delinquency. The project is developing standards in four major issue areas of juvenile justice: 1) pre- and non-court issues, 2) court roles and procedures, 3) treatment and corrections, and 4) administration. Co-sponsors of this project are the American Bar Association and the Institute of Judicial Administration.

The major product of this project will be 26 volumes (each volume represents a different standard) of standards or guidelines for action which will be relevant for judges, administrators, legislators, planners, and other persons responsible for juvenile justice at the federal, state and local levels. These volumes will be published in 1976.

LEAA also recently funded a study by the Management and Behavioral Science Center of the University of Pennsylvania. The study, published in August 1972, is entitled "Planning and Designing for Juvenile Justice." LEAA believes it will be useful to anyone concerned with the systematic treatment of juvenile justice. The report will be helpful when a major planning effort concerning some principal component or aspect of juvenile deliquency is being contemplated by a joint planning group representing various professional, governmental, client, citizen, and consultant interests.

LEAA funds also helped create the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois, which is helping the states develop a broad-based correctional master plan.

The work of the Clearinghouse resulted in the December 1972 publication of "Architecture and Corrections." This work contain guidelines encouraging community-based corrections and places maximum emphasis upon the utilization of alternatives to incarceration. The guidelines call for a thorough exploration of community needs and resources, development of classification procedures, description of residential and nonresidential programs, and the development of advanced approaches to facilitiy planning and design, including guidance in budgeting and costs.

This report, I feel, will be valuable to every official working in the field of corrections, be it adult corrections or juvenile delinquency.

One of LEAA's most recent and significant contributions is the Juvenile Detention and Correctional Facility Census. This is an expansion of the annual survey of public facilities for adjudicated juveniles conducted by HEW. It represents the first complete census of public facilities in the juvenile criminal justice system.

The census was designed by LEAA and HEW and was conducted by the Bureau of Census. Parenthetically, I would like to point out that joint efforts such as this are indicative of the inter-relationship of many elements in the juvenile delinquency area and is an example of the kind of joint cooperation needed to deal with the problems we face.

Briefly, the census covered 772 juvenile detention and correctional facilities and shows that on June 30, 1971, these facilities held 57,239 persons, of which 44,140 were males and 13,099 were females. The census contains statistical information on the institutions, the children in them, the age range of the population, and the services offered to the juveniles.

A program recently initiated with LEAA assistance in Compton, California, has as one of its purposes the implementation of the National Advisory Commission's Standards and Goals. Compton was chosen for this precendent-setting project because it had one of the highest crime rates of any city of its size in the country, as well as one of the highest instances of juvenile crime. In an effort to reduce crime in the city and the surrounding area, emphasis will be placed on the prevention of juvenile crime and on programs aimed at the citizen-victim. A unique feature of the Compton program is that LEAA has received commitments from other federal agencies such as the Departments of Health, Educational, and Welfare and the Department of Labor to assist the city in ridding itself of some of the social causes of crime.

There are a number of other juvenile justice and delinquency prevention programs which LEAA has funded through block and/or discretionary grants. To cite a few:

California.—The Fenner Canyon Youth Project in Los Angeles County provides vocational and educational training for delinquent youths. Since it began in September 1970, well over 500 youths have been placed in jobs, some for as long as two and one-half years. Of this total, 13 percent were rearrested, with only five percent found guilty and resentenced to Fenner Canyon or to jail. Approximately 80 percent of the youths have been successfully placed in jobs.

Georgia.—The Fulton County Juvenile Court Information System coordinates the dissemination of information among Juvenile Divisions. The system helps juvenile officials make timely decisions concerning the release or detention of a juvenile and provides immediate information to determine if a juvenile has previously been under Juvenile Court jurisdiction. This project was recently expanded.

Minnesota.—With the help of LEAA funds, St. Paul created Arlington House, which gives troubled teenage boys and girls help through noninstitutional rehabilitation.

Mississippi.—LEAA funds helped establish a Statewide System of Juvenile Probation and Aftercare Services. During the last half of 1972, probation and aftercare officials supervised a caseload of approximately 3,200 youth per month. These included 1,900 on probation, 450 on parole, and 700 and 750 new court cases.

Missouri.—A community group home administered by the Jackson County (Kansas City) Juvenile Court for teenage boys and girls provides a liaison between the youths and their parents to resolve conflicts to enable youths to return home. The majority of the youths made a satisfactory adjustment during an average stay of seven months.

Oklahoma.—The Oklahoma City Police Department Youth Counselor Program diverts youths from further processing within criminal justice agencies after their initial contact with police. The police department says this program has appeared to have reduced the overall juvenile crime rate and is continuing the program and diversionary services. After LEAA funding for this successful project concludes next year, the city intends to continue supporting it.

These projects I have described examplify the progress LEAA has made in this area, and the Administration feels that even more substantial progress will be made in the future.

This is especially true when you consider the LEAA funding for juvenile delinquency in fiscal year 1971 was $100 million and fiscal year 1972 reached $140 million.

H.R. 6265

I would like to turn now, Mr. Chairman, to the legislation currently before the Subcommittee, H. R. 6265.

The Administration fully agrees with the excellent objectives of H. R. 6265, for we recognize that the bill is seeking solutions to the critical problems of juvenile delinquency. We also recognize the intense Congressional interest and concern, as exemplified in the mandate to LEAA included in the Crime Control Act of 1973.

As the proposal relates to the programs of the Law Enforcement Assistance Administration, H. R. 6265 raises a number of concerns.

LEAA presently has a network of 55 states planning agencies that are undertaking crime-oriented analyses necesary to develop a truly comprehensive approach to reducing crime. Under LEAA guidelines every state by 1976 will been expected to complete a detailed analysis of the problems of crime and delinquency within its state and to establish detailed goals, standards, and priorities within that state.

Given the high incidence of reported juvenile crime in America it is apparent that these states will be concentrating more and more funding effort in the juvenile delinquency area, and H. R. 6265 could divert and undermine the state efforts in this area. While H. R. 6265 indicates that there is to be a state agency administering the program, no direction is offered as to possible integration of the planning agency with one already existing for the purpose of administering another federal program. It would seem wise to allow the same agency to administer programs under H. R. 6265 and those of LEAA as one unit.

One of the most outstanding achievements prompted by the Omnibus Crime Control and Safe Streets Act of 1968, which established the LEAA program, was the development of a sense of "community" within the criminal justice system and among criminal justice practitioners. The provisions of the 1968 Act promoted a high level of communication and understanding among police, courts and corrections officials where, previously, little or no cooperation existed. The comprehensive statewide planning requirement built into the LEAA program brought together the representatives of the various elements of the criminal justice system.

The creation of a parallel program and a separate source of funding for juvenile delinquency programs would tend to erode the participation in comprehensive criminal justice planning of those who identify with the juvenile justice segment of the overall system. The result, I believe, would be harmful to all segments of law enforcement and criminal justice.

H.R. 6265 would seek to create within the Department of HEW a new program which would be dealing specifically with the problem of juvenile delinquency prevention and control. Juvenile delinquency efforts of necessity involve law enforcement, education, recreation, employment, health services, the courts, and corrections and require cooperation from all agencies furnishing those services. The bill fails, however, to provide any definitions of the role of LEAA and the coordination that would be necessary if this new program were created.

We feel that any proposal to make federal crime-fighting funds available to state and local government should mesh smoothly with the LEAA program. Both the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 1973 recognized that states should retainl substantial control over anticrime funds to apply them according to each state's law enforcement and criminal justice needs.

This represents the federal government's guarantee of assistance in this important field. It continues to give full consideration to the national goals of reducing crime and delinquency while keeping open the local options on the nature and administration of particular programs. It continues the policy of eliminating the strings that too often are tied to many federal grant programs and snag to make them ineffective.

On balance, Mr. Chairman, we prefer the block grant program of LEAA, which contains authority to providing funding to combat juvenile delinquency, over the categorical provisions of H.R. 6265.

It should be understood, Mr. Chairman, that this legislation does not merely call for the creation of a new program. It would, by creating a competing agency, cast aside five years of experience by LEAA in establishing meaningful juvenile justice programs. HEW in recent years has not been involved in juvenile justice programs and it would have to go through the learning process that LEAA experienced in its first five years of operation, before an effective program for dealing with juvenile justice can be developed. Moreover, based on LEAA's experience it is reasonable to estimate that additional administrative costs incurred by HEW would probably amount to more than $50 million annually.

Title III of the proposed legislation would create a National Office of Juvenile Delinquency Prevention within the Executive Office of the President which would establish overall policy and objectives for federal juvenile delinquency and juvenile justice programs. While consultation is required with the National Advisory Council on Juvenile Delinquency Prevention, the Director of the National Office would have virtual control over programs within the jurisdiction of other federal agencies. Particularly objectionable would be the Director's authority to modify the implementation plans for federal programs and the budget requests of any federal department or agency.

Although we do agree that coordination is necessary, we believe that setting up a special office isolated from operational agencies is not the most effective approach. It is disruptive to orderly program administration by regular line agencies to interpose an entity in the staff offices within the Executive Office of of the President which has direct authority and responsibility for operational programs.

The Director would additionally be able to administer funds advanced by more than one federal agency to carry out a juvenile delinquency program or activity. Such agency could be ordered to waive certain technical grant or contract requirements.

While consolidation, simplification, and coordination of federal assistance programs is definitely advantageous, the power vested in the National Office by H.R. 6265 is more in the nature of direction. It should be noted, Mr. Chairman, that the Executive Branch has already sought to achieve the coordination of such federal assistance through a unit, created administratively and now operating within the General Services Administration. There is also pending before the Congress proposed legislation (H.R. 11236, S. 2299) which would statutorily authorize the heads of federal agencies to jointly establish operating procedures designed to facilitate the planning, development, application processing and funding of the projects assisted under more than one federal assistance program. These proposals for coordination of activities would certainly provide for more harmonious and concentrated administration of federal programs that H.R. 6265. The bill would additionally duplicate some of the present efforts of the Interdepartmental Council.

Title IV of the proposed legislation would establish a National Advisory Council of Juvenile Delinquency Prevention consisting of 21 members from specified areas of interest. The Advisory Council is to advise the National Office on a number of matters. LEAA feels that such a Council would be of questionable value. The operation would be costly and the necessity that the Council review and advise on various matters would have a tendency to delay certain actions and the delivery of needed services.

Mr. Chairman, we also note that H.R. 6265, in Section 202, utilizes crime statistics and per capita income, as well as juvenile population, as a means of "getting the money where the crime is" in allocating funds.

This concept has been proposed from time to time during discussions of the most effective method in allocating anti-crime funds. We believe that the formula in H.R. 6265 raises the potential for serious programmatic and administrative problems, although we recognize that the proposal gives the Administrator a fair degree of flexibility. For example:

1. Such a formula might penalize those units of government which have successful delinquency programs by depriving them of funds at a rate equal to the reduction of delinquency in their jurisdictions. A similar point could be made as to fluctuations in per capita income. This would not provide an incentive to fighting juvenile delinquency, but would instead reward an ineffective effort. Minimum state allocations also are of concern because they prevent direction of funds to areas with the most severe problems.

2. The rate of delinquency may not always be an accurate basis for funding because it fails to include unreported delinquency.

3. Crime rates are not the only measurement of serious law enforcement problems. Other problems include high arrest activity, congrested court calendars and crowded or critically antiquated correctional facilities.

A final area of deep concern regarding H.R 6265 is the possibility that its enactment could lead to invasions of the rights of privacy of certain juveniles. The bill, in Section 103(4), speaks in broad terms of "potential delinquents." This term is not defined, and LEAA fears its coverage may be too extensive. The identification of "potential delinquents" who have not been adjudicated guilty of any criminal offense runs contrary to some of the basic assumptions of our criminal justice system.

Mr. Chairman, for the reasons I have outlined, we oppose the enactment of H.R. 6265 and support the Administration proposal H.R. 13737.

Recently the Secretary of Health, Education, and Welfare submitted for the consideration of the Congress a draft bill to amend the Juvenile Delinquency Prevention Act to establish a new program of research and demonstrations, with particular emphasis on problems of runaway children. Grants would be authorized for youth development projects and for innovative approaches and programs dealing with the prevention and treatment of problems of juvenile delinquency.

The draft bill would permit grants to agencies which are a part of the juvenile justice system. Coordination between LEAA and HEW would be achieved by a requirement that the Secretary of HEW consult with the Attorney General for the purpose of coördinating the development and implementation of projects and activities funded under the different programs. The type of technical assistance to be provided by HEW is also broadened under the proposal.

The approach of H.R. 13737 is preferable to that of H.R. 6265. The grant program is interwoven into the existing grant structure and does not act to supersede the experience of either LEAA or HEW. The agencies themselves are responsible for coordination of activities, rather than an additional coordinating body being established. Additionally, the draft bill would maintain the integrity of the current grant system in that a categorical approach is avoided. Thus, there is room for flexibility.

As a final observation, Mr. Chairman, I would like to emphasize that the essence of our program is that all segments of the criminal justice community sit down around the same table and plan for the use of LEAA funds. If those concerned with juvenile justice are given a separate source of funds, this planning function will be severely crippled.

CONCLUSION

In conclusion, Mr. Chairman, I want to assure you of LEAA's commitment to alleviate the problem of juvenile delinquency and to exercise the leadership necessary to marshal local, state and federal resources in this endeavor. The future holds great challenge for us in the field of juvenile justice, but LEAA's experience in this field will serve as a strong building-block for new efforts.

Thank you Mr. Chairman. I would now be pleased to answer any questions which the Subcommittee might wish to ask.

APPENDIX TO THE TESTIMONY OF CHARLES R. WORK, JUVENILE JUSTICE DIVISION, OFFICE OF NATIONAL PRIORITY PROGRAMS

Director of the Juvenile Justice Division is Mr. Frederick Nader, who has a Masters Degree in Education. Mr. Nader's extensive experience includes service in the following positions: Director, Carson Valley School for Pre-delinquent and Delinquent Adolescents, located in Pennsylvania; Executive Director, New Hampshire Governor's Commission on Crime and Delinquency; Director of Treatment, Massachusetts Halfway Houses, Inc.; Chairman, New Hampshire Halfway Houses, Inc.; Chairman, New Hampshire Committee for the White House Conferences on Children and Youth; Founder, New Hampshire Juvenile Officers' Association.

Staff of the Juvenile Justice Division includes the following:

Dr. Samuel Kelman, a clinical psychologist whose experience includes: Director, Counseling Training Program, University of Maine; Counseling psychologist, Brocton V.A. Hospital and South Shore Mental Health Center; Consulting Editor, "Child Care Quarterly."

Mr. Thomas Albrecht, who has been with the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs since 1972. During this time he acted as a liaison between the Council and the Department of Labor and was responsible for preparing an assessment of all federal juvenile delinquency and youth development programs. Prior to that time he assisted the Department of Labor in developing pre-trial intervention programs for juvenile offenders and worked as a researcher in the area of federal juvenile delinquency legislation.

Ms. Judith Friedman has worked with LEAA for the past two years in the areas of juvenile delinquency and drug abuse research. She has a Masters Degree in Administration of Justice. As a consultant for the American University, she conducted extensive research into the response of the criminal justice system to the juvenile drug offender. She has also worked as a juvenile probation officer for the Montgomery County Juvenile Court.

Ms. Janice Thompson has a Masters Degree in Social Work and has been employed as a social worker, providing casework services. She has also worked as a psychiatric attendant at the Witchita Falls State Hospital in Texas.

Ms. Nancy Smith was formerly Research Director of the Senate Subcommittee to Investigate Juvenile Delinquency. In this capacity she was involved in legislative and investigative research in the areas of juvenile justice, corrections and drug abuse.

JUVENILE DELINQUENCY DIVISION, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

The Juvenile Delinquency Division is directed by Dr. James C. Howell. Dr. Howell holds a Ph. D. Degree in Sociology, with major specialization in juvenile delinquency research. His staff consists of two persons who hold Masters Degrees in Crime and Delinquency, and a third person who holds a Bachelor's Degree and has considerable experience in juvenile delinquency research. In addition, this staff is supplemented through an active Institute program in which outside consultants are utilized in all major activities of the Juvenile Delinquency Division.

STATEMENT OF CHARLES R. WORK, DEPUTY ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. WORK. Thank you, Mr. Chairman. It is an honor to appear before the subcommittee today. If I may, I will highlight my statement and not read from it.

First of all, the Law Enforcement Assistance Administration is eager to applaud and support the objectives of the legislation under consideration here today.

With regard to this particular piece of legislation we wish to make three important points.

The first point is that juvenile delinquency and all of the issues that surround that term have top priority with the Law Enforcement Assistance Administration. We have at LEAA since the passage of our new 1973 act which mandated that priority and since the new administration have identified that as one of the four top nationwide priorities for the awarding of discretionary funds in our standards and goals effort, our so-called courts initiative and our citizen's initiative.

Juvenile delinquency has been identified by us as one of the four top national priorities for the awarding of our funds.

Pursuant to establishing it as one of our four top priorities we have established two new operating divisions at headquarters in LEAA.

The first is in our Office of National Priority Programs. It is the Juvenile Delinquency Division.

The second is in our research arm, the National Institute for Law Enforcement.

I am very pleased to be able to attach as an appendix to my testimony the qualifications of the staff that we have recruited for these particular divisions.

I think that you will note that these persons are exceptionally qualified. They have strong juvenile delinquency backgrounds. That more than anything is proof of our commitment to this as a top national priority.

This is a new development. This is a development that has been under way for only a relatively short period of time. We are aware that in terms of the national priorities that the program in the past that LEAA at the national level could be criticized for not devoting enough attention to juvenile delinquency exclusively.

We are committed to doing something about that, Mr. Chairman.

In addition to that, as you know, we have been delegated the responsibility by the Attorney General to chair the Interdepartmental Juvenile Delinquency Council.

When Mr. Santarelli and I first arrived under the leadership of the then Attorney General Elliott Richardson, he sat with us and discussed what we should do with the Juvenile Delinquency Council and what kinds of directions we should take so that indeed we could do a better job than had been done before as Chairman of that Council and improve the coordination mechanisms that should exist at the Federal level with respect to this very important problem.

We have mapped out a plan of action with respect to reactivating the Juvenile Delinquency Council. We have been meeting regularly with the Juvenile Delinquency Council.

Let me say to you that there is nothing more important that is in front of this committee for consideration than the question of coordination of juvenile delinquency efforts. I wish, if I may, to return to that just briefly in a later part of my testimony.

But let me say this with respect to the Juvenile Delinquency Council: we are pursuing two tracks in that Council.

The first track is to try to develop a theory of coordination, an improved theory of coordination, that would affect not only the Federal level but also the State and the local level because that is where the action is.

If the committee feels that the coordination problem at the Federal level is a difficult problem, then the committee must certainly also feel—I know the committee has had first-hand experience—must certainly also feel that the coordination at the State and local level is also a very severe and difficult problem .

In addition to developing that theory and as frustrating a process a that is, I must say that I believe we are going to make some progress with it.

We also are pursuing a second track. That is to try to begin to fund some projects jointly to try to begin to work on an agency-agency hand-in-hand process to see if we couldn't improve the coordination by at least having two agencies put some money out front in order to achieve the purpose of whatever project is funded jointly. We are proceeding with that. Indeed, this very weekend the staff of the Juvenile Delinquency Council will meet and will select several projects for joint funding.

We have also produced the report of the Interdepartmental Council with respect to all programs on juvenile delinquency.

I would like to submit that now, if I may, Mr. Chairman.

Mr. Hawkins. Without objection it is so ordered.

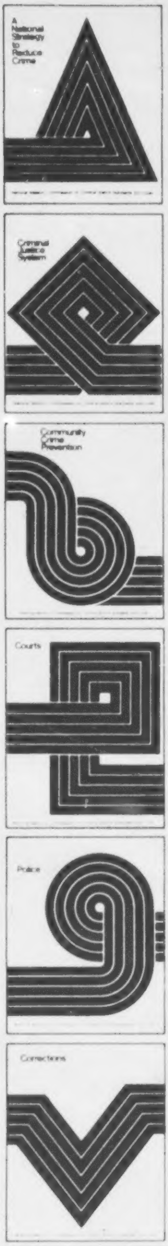
[The document is in the subcommittee's files.]

Mr. Work. We have also produced a synopsis of the Standards and Goals for Juvenile Justice which is now in one volume which was produced under the auspieces of the National Advisory Commission for Standards and Goals.

I would also like to submit that for the record.

Mr. Hawkins. Without objection it is so ordered.

[The documents referred to follows:]


A National Strategy to Reduce Crime
Criminal Justice System
Community Crime Prevention
Courts
Police
Corrections

Standards and Goals for Juvenile Justice

Juvenile Delinquency Interdepartmental Council

PREFACE

Standards and Goals for Juvenile Justice represent a selection from reports prepared by the National Advisory Commission on Criminal Justice Standards and Goals. The selection is presented in order to provide the reader with an opportunity to review those standards and goals of the National Advisory Commission relative to juvenile justice.

The Foreword and Introduction to this report represent excerpts from the Commission's first volume, A National Strategy to Reduce Crime and serve to provide an overall picture of the major priorities in the area of juvenile delinquency.

For more detailed explanation of Standards and Goals for Criminal Justice refer to the following reports of the National Advisory Commission:

Community Crime Prevention
Corrections
Courts
Police
Criminal Justice System

These reports are available from the Government Printing Office, Washington, D.C.

Standards and Goals for Juvenile Justice, as selected, represents a staff effort of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs in accord with Public Law 92-381. The selection has been prepared by: Thomas Albrecht and Judi Friedman, U.S. Department of Justice, Law Enforcement Assistance Administration, with the assistance of Pat Abrams, U.S. Department of the Interior and Vicky Wolfe, U.S. Department of Agriculture.

James E. O'Neil
Acting Executive Director
Juvenile Delinquency
  Interdepartmental Council

February 20, 1974

FOREWORD

The National Advisory Commission on Criminal Justice Standards and Goals was appointed by the Administrator of the Law Enforcement Assistance Administration on October 20, 1971, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

Membership in the Commission was drawn from the three branches of State and local government, from industry, and from citizen groups. Commissioners were chosen, in part, for their working experience in the criminal justice area. Police chiefs, judges, corrections leaders, and prosecutors were represented.

Other recent Commissions have studied the causes and debilitating effects of crime in our society. The Standards and Goals Commission has sought to formulate a series of standards, recommendations, priorities, and goals to modernize and unify the criminal justice system, and to provide a yardstick for measuring progress. Its purpose has been the reduction of crime. But the Commission's work is only the first step. It remains now for citizens, professionals, and policy makers to mount the major effort by implementing the standards proposed in the six volumes of the Commission's work.

Some State or local governments may already meet standards or recommendations proposed by the Commission; most in the Nation do not. In any case, each State and local government is encouraged to evaluate its present status and to implement those standards and recommendations that it deems appropriate.

Each jurisdiction will, of course, analyze the reports and apply goals and standards in its own way and in the context of its own needs. There is no need to enact legislation making compliance with the standards a prerequisite to receipt of Federal funds or a requirement on the States in any other firm. However, while Federal endorsement of these standards is not specifically recommended, there is still much the Federal Government can do in translating the Commission's work into action.

The Commission believes that the effort it has begun should be carried on by a permanent group of citizens which can monitor implementation of the standards over the long term. In implementing important standards or groups of standards, the Commission also urges that evaluation plans be designed as an integral part of all projects. In addition, the Commission recommends that national professional and civic groups and appropriate university interests support implementation of the standards and goals.

In the last analysis, the Commission believes that the cost of crime reduction must be weighed against the cost of crime itself. New techniques of measurement are beginning only now to tell the American people how much crime they actually endure, crime that takes its toll in human lives, in personal injury and suffering, in stolen money and property. This cost must reach substantial levels in all jurisdictions. Less crime will mean fewer victims of crime and will result in genuine, demonstrable savings, both to potential victims and to the whole society.

INTRODUCTION

Priority: Preventing Juvenile Delinquency

The highest attention must be given to preventing juvenile delinquency, minimizing the involvement of young offenders in the juvenile and criminal justice system, and reintegrating them into the community. By 1983 the rate of delinquency cases coming before courts that would be crimes if committed by adults should be cut to half the 1973 rate.

Street crime is a young man's game. More than half the persons arrested for violent crime in 1971 were under 24 years of age, with one-fifth under 18. For burglary, over half of the 1971 arrests involved youths under 18.

There is strong evidence that the bulk of ordinary crime against person and property is committed by youths and adults who have had previous contact with the criminal justice or juvenile justice system.

In addition, we know that people tend to learn from those closest to them. It is small wonder then that prisons and jails crowded with juveniles, first offenders, and hardened criminals have been labeled "schools of crime."

People also tend to become what they are told they are. The stigma of involvement with the criminal justice system, even if only in the informal processes of juvenile justice, isolates persons from lawful society and may make further training or employment difficult.

For many youths, as noted above, incarceration is not an effective tool of correction. Society will be better protected if certain individuals, particularly youths and first offenders, are diverted prior to formal conviction either to the care of families or relatives or to employment, mental health, and other social service programs. Thus a formal arrest is inappropriate if the person may be referred to the charge of a responsible parent, guardian, or agency. Formal adjudication may not be necessary if an offender can be safely diverted elsewhere, as to a youth services bureau for counseling or a drug abuse program for treatment. Offenders properly selected for pretrial diversion experience less recidivism than those with similar histories and social backgrounds who are formally adjudicated.

The Department of Health, Education, and Welfare, which collects information on juvenile courts, estimates that a little less than 40 percent of cases disposed of by courts are cases of running away, truancy, and other offenses that would not be crimes if committed by an adult. These are the so-called juvenile status offenses.

The remaining 60-odd percent of cases estimated to be disposed of by juvenile or family courts are nonstatus crimes, those that would be crimes if committed by adults. It is the rate of these cases which the Commission would propose to cut in half.

Meeting the goal, the Commission believes, should result in significant decreases in crime through preventing recidivism and might also prove to be far less costly than dealing with delinquents under present methods. To process a youth through the juvenile justice system and keep him in a training school for a year costs almost $6,000. There is no reason to believe that the cost of a diversionary program would exceed this figure, since most such programs are not residential. Indeed, diversion might prove to provide significant savings.

One final note should be added. Minimizing a youth's involvement with the criminal justice system does not mean abandoning the use of confinement for certain individuals. Until more effective means of treatment are found, chronic and dangerous delinquents and offenders should be incarcerated to protect society. But the juvenile justice system must search for the optimum program outside institutions for juveniles who do not need confinement.

Priority: Improving Delivery of Social Services

Public agencies should improve the delivery of all social services to citizens, particularly to those groups that contribute higher than average proportions of their numbers to crime statistics.

There is abundant evidence that crime occurs with greater frequency where there are poverty, illiteracy, and unemployment, and where medical, recreational, and mental health resources are inadequate. When unemployment rates among youths in poverty areas of central cities are almost 40 percent and crime is prevalent, it is impossible not to draw conclusions about the relationship between jobs and crime. The Commission believes that effective and responsive delivery of public services that promote individual and economic well-being will contribute to a reduction in crime.

Social Service Delivery Mechanisms: Youth Services Bureaus

In addition to the equitable delivery of services there is a need for coordinating existing social, medical, and rehabilitative services. Efforts must be made to develop comprehensive service delivery systems that avoid wasteful duplication, open lines of communication to the community, and better assist individual clients through a coordinated delivery of services to arrive at their best functioning level. One of the most important examples of comprehensive services delivery is the youth services bureau.

These bureaus in large part were the result of a recommendation by the 1967 President's Commission on Law Enforcement and Administration of Justice, which urged communities to establish them to serve both delinquent and nondelinquent youth referred by police, juvenile courts, schools, and other sources. The bureaus were to act as central coordinating units for all community services for young people.

A national census in 1972 identified 150 youth services bureaus in operation in many States and territories. In the absence of national standards, local youth services bureaus have developed according to the needs and pressures of each community.

In most localities, however, the youth services bureau, at a minimum is a link between available resources and youth in need. It first identifies services and resources in the community and then refers clients to an agency that can provide the required services. Social services made available might include employment, job training, education, housing, medical care, family counseling, psychiatric care, or welfare.

Once a young person has been directed to another agency, the youth services bureau follows up to assure that adequate services are being provided. The bureau acts as a services broker, matching the young person with the service he or she needs. When services are not available through governmental or volunteer sources, they may be purchased from private agencies or independent professionals.

Referrals to the youth services bureau should be completed only if they are voluntarily accepted by the youth. Youths should not be forced to choose between bureau referral and further justice system processing.

Enough information has now been gathered on existing youth services bureaus for the Commission to recommend that bureaus be established in communities experiencing serious youth problems. Each year a vast number of young people becomes involved in the justice system for acts that are not crimes for adults: incorrigibility, truancy, running away, and even stubbornness. In addition, many youths are processed through the juvenile justice system for minor offenses that are neither recurring nor a serious threat to the community. Such behavior is often an indication that a young person needs special attention, but not necessarily punitive treatment.

Many of what are now considered delinquency or predelinquency problems should be redefined as family, educational, or welfare problems and diverted from the juvenile justice system. Such diversion can relieve overburdened probation offices and courts and allow them to concentrate on offenders that need serious attention. In addition, diversion through youth services bureaus can avoid the unnecessary "delinquent" label that frequently accompanies involvement with the juvenile court.

Each State should enact enabling legislation that encourages local establishment of youth services bureaus throughout the State and that provides partial funding for them. Legislation also should be enacted to mandate the use of youth services bureaus as a voluntary diversion resource by agencies of the juvenile justice system.

To avoid misunderstanding, criteria for referrals should be developed jointly and specified in writing by law enforcement, courts, and youth services bureau personnel.

Diversion can take place only if there is cooperation and communication between concerned parties. The essence of any social service delivery system is the marshaling of resources in a coordinated way to bring clients to the best functioning level.

Education

Schools are the first public agencies that most children contact. For this reason, the schools inevitably have been proposed as vehicles for the solution of a host of public problems including the problem of crime. In making its recommendations, the Commission is well aware of crushing demands already placed upon local school teachers, principals, and school boards.

Nevertheless, individuals sometimes come to the attention of the criminal justice system because the educational system has not met their personal needs. The fact that the public schools have not helped a large portion of young people is reflected in high youth unemployment rates and high dropout rates. Twenty percent of those who now enter grade five leave before high school graduation, and only 28.7 percent of 1971 high school graduates went on to college. Yet 80 percent of the effort in schools is structured to meet college entry requirements. Too often classroom instruction is not related to life outside. Undoubtedly many of the 850,000 students who left elementary and secondary schools in 1970 and 1971 did so because they felt their educational experiences were irrelevant.

The Commission believes that the primary goals of American education should be to prepare and interest people in satisfying and useful careers.

Schools should plan programs that will guarantee that every child leaving school can obtain either a job or acceptance to an advanced program of studies, regardless of the time he leaves the formal school setting.

If schools are going to make guarantees of this kind there must be a shift to career education. In career education programs, instruction is related to the world of work and opportunities are provided to explore or receive training in a career. Career education may begin in first grade or earlier and continue beyond high school graduation. It should bring an awareness to students of the wide range of jobs in American society and the roles and requirements involved.

In the Education chapter of the Commission's Report on Community Crime Prevention, additional approaches designed to make school systems more responsive to the individual student are recommended.

Varied alternative educational experiences should be provided to students who cannot benefit from classroom instruction. School counseling and other supportive services should be available. There should be bilingual programs for young people who are not fluent in English. There should be a guarantee of functional literacy to every student who does not have serious emotional, physical, or mental problems.

Aside from fulfilling the primary objective of preparing young people for adult life, school systems may also contribute to community crime prevention by serving as centers for community activities. The traditional school operating 5 days a week for 39 weeks a year is an unaffordable luxury. Schools can become total community opportunity centers for the young and the old, operating virtually around the clock, 365 days a year.

The Juvenile Court

The general rise in crime throughout the United States in the last decade has brought increasing burdens to all courts, particularly the juvenile courts. In 1960, there were 510,000 delinquency cases disposed of by juvenile courts; in 1970 there were 1,125,000 delinquency cases disposed of by juvenile courts.

The question is whether or not the present juvenile court system is an effective method of controlling juvenile crime. Throughout the country, the juvenile courts vary widely in structure, procedure, and quality. In the main, however, they reflect an understanding that special treatment for the young offender is desirable.

After considerable study, the Commission concurs that the juvenile offender should have special treatment. However, the present juvenile court systems are not providing that special treatment in an adequate, fair, and equitable manner.

The Commission believes that major reform of the juvenile justice system is needed. The juvenile justice system has not obtained optimum results with young people on their first contact with the system. Further it is the conclusion of the Commission that juvenile courts must become part of an integrated, unified court system; that the jurisdiction of the juvenile courts must be narrowed and that the relationships between the courts and juvenile service agencies must be broadened in a manner which maximizes diversion from the court system. In addition there must be reform of the procedures for handling those juveniles who are referred to court.

Reorganization of Juvenile Courts

The existence of the juvenile court as a distinct entity ignores the causal relationship between delinquency and other family problems. A delinquent child most often reflects a family in trouble-a broken family, a family without sufficient financial resources, a family of limited education, and a family with more than one child or parent exhibiting antisocial behavior. The family court concept as now utilized in New York, Hawaii, and the District of Columbia permits the court to address the problems of the family unit, be they civil or criminal.

Further, in the past juvenile courts have, by their jurisdictional authorization, intervened in areas where alternative handling of the juvenile is more successful. It is the view of the Commission that the delinquent child-the child who commits an offense which would be criminal if committed by an adult-should be the primary focus of the court system. The Commission takes no position with respect to extension of jurisdiction to the "person in need or supervision" (PINS). The PINS category includes the runaway and truant. Jurisdiction, however, should not extend to dependent children-those needing economic, medical, or other social assistance through no fault of their parents. Dependent children should be handled outside the court system through other social agencies. Of course, provision in the court system must be made for the neglected child who must be taken from his parents and cared for due to abusive conduct of the parent, failure of the parent to provide for the child although able to do so, and those circumstances where parents are incarcerated, hospitalized, or otherwise unable to care for their children for protracted periods of time.

The Commission recommends that jurisdiction over juveniles be placed in a family court which should be a division of a trial court of general jurisdiction. The family court should have jurisdiction over all legal matters related to family life, including delinquency, neglect, support, adoption, custody, paternity actions, divorce, annulment, and assaults involving family members. Dependent children-those needing help through no fault of their parents-should be handled outside the court system.

Reform of Court Procedures

In re Gault clarified the constitutional rights of juveniles to due process. The juvenile can no longer be deprived of his basic rights by adherence to a *parens patriae*, "best interests of the child" doctrine.

Reform of court procedures, however, must not be limited to the areas identified in *Gault*. There is much, much more to be done in the juvenile justice system to minimize recidivism and control juvenile crime. Reforms are needed in the areas of intake proceedings, detention of juveniles, disposition of juveniles, and transfer of juveniles to the adult system when juvenile resources are exhausted.

Intake, Detention, and Shelter Care

There are a number of studies which suggest that many children mature out of delinquent behavior. If this is true, the question is whether it is better to leave these persons alone or put them into the formal juvenile justice system. Because there are no satisfactory measures of the effectiveness of the juvenile justice system, there is a substantial body of opinion which favors "leaving alone" all except those who have had three or four contacts with the police.

Each jurisdiction should consider this phenomenon, conduct studies among its juveniles charged with delinquent behavior, and establish intake criteria. Each court system should have an intake unit which should determine whether the juvenile should be referred to court. This intake unit should have available a wide variety of informal dispositions including referral to other agencies, informal probation, consent decrees, etc. In addition, the intake unit should have criteria for determining the use of detention or shelter care where formal petitions are filed with the court.

The Commission recommends that each family court, in accord with written criteria, create an intake unit which should determine whether the juvenile should be referred to court or dealt with informally, and should determine whether the juvenile should be placed in detention or shelter care. In no event should a child be detained for more than 24 hours pending determination of the intake unit.

Transfer of Juveniles to Adult Court

There are some juveniles for whom the juvenile process is not appropriate. These include instances where the juvenile has previously participated in the rehabilitative programs for juveniles; instances where the juvenile justice system has no suitable resources; and instances where the criminal sophistication of the juvenile precludes any benefit for the special juvenile programs.

It is the view of the Commission, however, that transfer of juveniles should be limited. The Supreme Court in *Kent* v. *United States* has given direction on the procedures to be used and on the substantive issues to be resolved in any transfer to adult court. The procedures must meet due process standards.

The Commission recommends that family courts have authority to order the transfer of certain juveniles for prosecution in the adult courts, but only if the juvenile is above a designated age, if a full and fair hearing has been held on the transfer, and if the action is in the best interest of the public.

Adjudication and Disposition of Juveniles

A juvenile charged with an act which, if committed by an adult, would be a criminal offense is by law entitled to most of the procedures afforded adult criminal defendants. The juvenile is entitled to:

-Representation by counsel.
-The privilege against self-incrimination.
-Right to confront and cross-examine witnesses.
-Admission of only evidence which is competent and relevant.
-Proof of the acts alleged beyond a reasonable doubt.

There remains some question as to whether juveniles should be afforded jury trials. After consideration of McKeiver v. Pennsylvania and the rationale therein, this Commission concludes that the State as a matter of policy should provide non-jury trials for juveniles. The theoretical protections of a jury trial are outweighed by the advantages of informality, fairness, and sympathy which the traditional juvenile court concept contemplates.

The Commission noted, however, that where the adjudication of delinquency is in a nonjudicial forum, provision must be made for separation of the adjudication and the disposition. The disposition hearing should be separate and distinct so that the determination of guilt will not be tainted by information that should be considered in making a decision on the appropriate rehabilitative program, including the past involvement of the juvenile with the criminal justice system.

During adjudicatory hearings to determine guilt or innocence, the juvenile should have all of the rights of an adult criminal defendant except that of trial by jury.

The disposition hearing to determine a rehabilitative program for the juvenile should be separate and distinct from the adjudicatory hearing and should follow, where feasible, the procedure recommended for the sentencing of convicted adult offenders.

CONCLUSION

The criminal court system of a free Nation should conform to the ideal of equal justice under law and should be typified by quality, efficiency, and fairness. These three words exemplify the standards proposed in the Commission's Report on Courts. Great emphasis is placed upon upgrading the quality of criminal court personnel and thereby improving the quality of justice dispensed. Efficiency in processing cases from arrest to trial to final appellate judgment is a prominent theme. But throughout the report appear standards safeguarding the rights of all persons, including witnesses, jurors, and defendants.

The Commission believes that persons committing infractions of the law should be speedily arrested, tried, afforded appellate review, and given meaningful sentences. If recidivism is to be reduced, these same persons must feel that they have been treated fairly, honestly, and impartially. The standards in the Report on Courts provide a mechanism for achieving both of these sets of goals.

STANDARDS AND GOALS

POLICE

Standard 4.3

Diversion *

Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be inappropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment.

1. Police chief executives may develop written policies and procedures which allow, in appropriate cases, for juveniles who come to the attention of the agency to be diverted from the juvenile justice process. Such policies and procedures should be prepared in cooperation with other elements of the juvenile justice system.

2. These policies and procedures should allow for processing mentally ill persons who come to the attention of the agency, should be prepared in cooperation with mental health authorities and courts, and should provide for mental health agency referral of those persons who are in need of professional assistance but are not taken into custody.

3. These policies should allow for effective alternatives when arrest for some misdemeanor offenses would be inappropriate.

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* For commentary see Police pp. 80-82

Standard 9.5

Juvenile Operations *

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific training in preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish in cooperation with courts written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:

   a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;

   b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;

   c. The procedures for release of juveniles into parental custody; and

   d. The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.

   a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.

   b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every police agency having more than 75 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant. This unit:

   a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and

   b. Should be functionally decentralized to the most effective command level.

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* For commentary see Police po. 221-223

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STANDARDS AND GOALS

COURTS

Standard 2.1

General Criteria for Diversion *

In appropriate cases offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the limited contact a diverted offender has with the criminal justice system may have the desired deterrent effect.

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* For commentary see Courts pp. 32-38

Standard 2.2

Procedure for Diversion Programs *

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the fact of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regularly is considered is not diverted, a written statement of the reasons should be retained.

Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendant participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court. These procedures should contain the following features:

1. Emphasis should be placed on the offender's right to be represented by counsel during negotiations for diversion and entry and approval of the agreement.

2. Suspension of criminal prosecution for longer than one year should not be permitted.

3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.

4. The agreement submitted to the court should contain a full statement of those things expected of the defendant and the reason for diverting the defendant.

5. The court should approve an offered agreement only if it would be approved under the applicable criteria if it were a negotiated plea of guilty.

6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.

7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing the basis for the decision, whether or not the defendant is diverted. These statements, as well as those made in cases not requiring a formal agreement for diversion, should be collected and subjected to periodic review by the prosecutor's office to insure that diversion programs are operating as intended.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

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* For commentary see Courts pp. 39-41

Standard 7.5

Judicial Education *

Every State should create and maintain a comprehensive program of continuing judicial education. Planning for this program should recognize the extensive commitment of judge time, both as faculty and as participants for such programs, that will be necessary. Funds necessary to prepare, administer, and conduct the programs, and funds to permit judges to attend appropriate national and regional educational programs, should be provided.

Each State program should have the following features:

1. All new trial judges, within 3 years of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should include visits to all institutions and facilities to which criminal offenders may be sentenced.

2. Each State should develop its own State judicial college, which should be responsible for the orientation program for new judges and which should make available to all State judges the graduate and refresher programs of the national judicial educational organizations. Each State also should plan specialized subject matter programs as well as 2- or 3-day annual State seminars for trial and appellate judges.

3. The failure of any judge, without good cause, to pursue educational programs as prescribed in this standard should be considered by the judicial conduct commission as grounds for discipline or removal.

4. Each State should prepare a bench manual on procedural laws, with forms, samples, rule requirements and other information that a judge should have readily available. This should include sentencing alternatives and information concerning correctional programs and institutions.

5. Each State should publish periodically—and not less than quarterly—a newsletter with information from the chief justice, the court administrator, correctional authorities, and others. This should include articles of interest to judges, references to new literature in the judicial and correctional fields, and citations of important appellate and trial court decisions.

6. Each State should adopt a program of sabbatical leave for the purpose of enabling judges to pursue studies and research relevant to their judicial duties.

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* For commentary see Courts pp. 156-159

Standard 14.1

Court Jurisdiction Over Juveniles *

Jurisdiction over juveniles of the sort presently vested in juvenile courts should be placed in a family court. The family court should be a division of the trial court of general jurisdiction, and should have jurisdiction over all legal matters related to family life. This jurisdiction should include delinquency, neglect, support, adoption, child custody, paternity actions, divorce and annulment, and assault offenses in which both the victim and the alleged offender are members of the same family. The family court should have adequate resources to enable it to deal effectively with family problems that may underlie the legal matters coming before it.

The family court should be authorized to order the institutionalization of a juvenile only upon a determination of delinquency and a finding that no alternative disposition would accomplish the desired result. A determination of delinquency should require a finding that the State has proven that the juvenile has committed an act that, if committed by an adult, would constitute a criminal offense.

The family court's jurisdiction should not include so-called dependent children, that is, juveniles in need of care or treatment through no fault of their parents or other persons responsible for their welfare. Situations involving those juveniles should be handled without official court intervention. The definition of neglected children or its equivalent, however, should be broad enough to include those children whose parents or guardians are incarcerated, hospitalized, or otherwise incapacitated for protracted periods of time.

Specialized training should be provided for all persons participating in the processing of cases through the family court, including prosecutors, defense and other attorneys, and the family court judge. Law schools should recognize the need to train attorneys to handle legal matters related to family problems, and should develop programs for that training. These programs should have a heavy clinical component.

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* For commentary see Courts pp. 293-295

Standard 14.2

Intake, Detention, and Shelter Care * in Delinquency Cases

An intake unit of the family court should be created and should:

1. Make the initial decision whether to place a juvenile referred to the family court in detention or shelter care;

2. Make the decision whether to offer a juvenile referred to the family court the opportunity to participate in diversion programs; and

3. Make, in consultation with the prosecutor, the decision whether to file a formal petition in the family court alleging that the juvenile is delinquent and ask that the family court assume jurisdiction over him.

A juvenile placed in detention or shelter care should be released if no petition alleging delinquency (or, in the case of a juvenile placed in shelter care, no petition alleging neglect) is filed in the family court within 24 hours of the placement. A juvenile placed in detention or shelter care should have the opportunity for a judicial determination of the propriety of continued placement in the facility at the earliest possible time, but no later than 48 hours after placement.

Criteria should be formulated for the placement of juveniles in detention and shelter care. These criteria must be applied in practice.

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* For commentary see Courts pp. 296-299

Standard 14.3

Processing Certain Delinquency Cases as Adult Criminal Prosecutions *

The family court should have the authority to order certain delinquency cases to be processed as if the alleged delinquent was above the maximum age for family court delinquency jurisdiction. After such action, the juvenile should be subject to being charged, tried, and (if convicted) sentenced as an adult.

An order directing that a specific case be processed as an adult criminal prosecution should be entered only under the following circumstances:

1. The juvenile involved is above a designated age;

2. A full and fair hearing has been held on the propriety of the entry of such an order; and

3. The judge of the family court has found that such action is in the best interests of the public.

In each jurisdiction, more specific criteria should be developed, either through statute or rules of court, for determining when juveniles should be processed as criminal defendants.

If an order is entered directing the processing of a case as an adult criminal prosecution and the juvenile is convicted of a criminal offense, he should be permitted to assert the impropriety of the order or the procedure by which the decision to enter the order was made on review of his conviction. When the conviction becomes final, however, the validity of the order and the procedure by which the underlying decision was made should not be subject to any future litigation.

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* For commentary see Courts pp. 300-301

Standard 14.4

Adjudicatory Hearing in Delinquency Cases *

The hearing to determine whether the State can produce sufficient evidence to establish that a juvenile who is allegedly delinquent is in fact delinquent (the adjudicatory hearing) should be distinct and separate from the proceeding at which—assuming a finding of delinquency—a decision is made as to what disposition should be made concerning the juvenile. At the adjudicatory hearing, the juvenile alleged to be delinquent should be afforded all of the rights given a defendant in an adult criminal prosecution, except that trial by jury should not be available in delinquency cases.

In all delinquency cases, a legal officer representing the State should be present in court to present evidence supporting the allegation of delinquency.

If requested by the juvenile, defense counsel should use all methods permissible in a criminal prosecution to prevent a determination that the juvenile is delinquent. He should function as the advocate for the juvenile, and his performance should be unaffected by any belief he might have that a finding of delinquency might be in the best interests of the juvenile. As advocate for the juvenile alleged to be delinquent, counsel's actions should not be affected by the wishes of the juvenile's parents or guardian if those differ from the wishes of the juvenile.

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* For commentary see Courts pp. 302-303

Standard 14.5

Dispositional Hearings in Delinquency Cases *

The dispositional hearing in delinquency cases should be separate and distinct from the adjudicatory hearing. The procedures followed at the dispositional hearing should be identical to those followed in the sentencing procedure for adult offenders.

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* For commentary see Courts pp. 304-305

STANDARDS AND GOALS

CORRECTIONS

Standard 3.1

Use of Diversion *

Each local jurisdiction, in cooperation with related State agencies, should develop and implement by 1975 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "total system planning" as outlined in Standard 9.1.

a. With planning data available, the responsible authorities at each step in the criminal justice process where diversion may occur should develop priorities, lines of responsibility, courses of procedure, and other policies to serve as guidelines to its use.

b. Mechanisms for review and evaluation of policies and practices should be established.

c. Criminal justice agencies should seek the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

2. Each diversion program should operate under a set of written guidelines that insure periodic review of policies and decisions. The guidelines should specify:

a. The objectives of the program and the types of cases to which it is to apply.

b. The means to be used to evaluate the outcome of diversion decisions.

c. A requirement that the official making the diversion decision state in writing the basis for his determination denying or approving diversion in the case of each offender.

d. A requirement that the agency operating diversion programs maintain a current and complete listing of various resource dispositions available to diversion decisionmakers.

3. The factors to be used in determining whether an offender, following arrest but prior to adjudication, should be selected for diversion to a noncriminal program, should include the following:

a. Prosecution toward conviction may cause undue harm to the defendant or exacerbate the social problems that led to his criminal acts.

b. Services to meet the offender's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.

c. The arrest has already served as a desired deterrent.

d. The needs and interests of the victim and society are served better by diversion than by official processing.

e. The offender does not present a substantial danger to others.

f. The offender voluntarily accepts the offered alternative to further justice system processing.

g. The facts of the case sufficiently establish that the defendant committed the alleged act.

References

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* For commentary see Corrections pp. 95-97

Standard 7.1

Development Plan for Community-Based Alternatives to Confinement *

Each State correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources, and gaps in service and to develop by 1978 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided directly by the correctional authority and those to be offered through other community resources. Community advisory assistance (discussed in Standard 7.3) is essential. The plan should be developed within the framework of total system planning discussed in Chapter 9, Local Adult Institutions, and State planning discussed in Chapter 13, Organization and Administration.

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.

2. Nonresidential supervision programs in addition to probation and parole.

3. Residential alternatives to incarceration.

4. Community resources open to confined populations and institutional resources available to the entire community.

5. Prerelease programs.

6. Community facilities for released offenders in the critical reentry phase, with provision for short-term return as needed.

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* For commentary see Corrections pp. 237-239

Standard 7.2

Marshaling and Coordinating Community Resources *

Each State correctional system or the systems of other units of government should take appropriate action immediately to establish effective working relationships with the major social institutions, organizations, and agencies of the community, including the following:

1. Employment resources—private industry, labor unions, employment services, civil service systems.

2. Educational resources—vocational and technical, secondary college and university, adult basic education, private and commercial training, government and private job development and skills training.

3. Social welfare services—public assistance, housing, rehabilitation services, mental health services, counseling assistance, neighborhood centers, unemployment compensation, private social service agencies of all kinds.

4. The law enforcement system—Federal, State, and local law enforcement personnel, particularly specialized units providing public information, diversion, and services to juveniles.

5. Other relevant community organizations and groups—ethnic and cultural groups, recreational and social organizations, religious and self-help groups, and others devoted to political or social action.

At the management level, correctional agencies should seek to involve representatives of these community resources in policy development and interagency procedures for consultation, coordinated planning, joint action, and shared programs and facilities. Correctional authorities also should enlist the aid of such bodies in formation of a broad-based and aggressive lobby that will speak for correctional and inmate needs and support community correctional programs.

At the operating level, correctional agencies should initiate procedures to work cooperatively in obtaining services needed by offenders.

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2. Moyer, Frederic D., and others. *Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults.* Urbana: University of Illinois Department of Architecture, 1971. This document focuses on correctional centers but also contains much of more general interest in corrections planning for community programs.

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* For commentary see Corrections pp. 240-243

Standard 7.4

Inmate Involvement in Community Programs*

Correctional agencies should begin immediately to develop arrangements and procedures for offenders sentenced to correctional institutions to assume increasing individual responsibility and community contact. A variety of levels of individual choice, supervision, and community contact should be specified in these arrangements, with explicit statements as to how the transitions between levels are to be accomplished. Progress from one level to another should be based on specified behavioral criteria rather than on sentence, time served, or subjective judgments regarding attitudes.

The arrangements and procedures should be incorporated in the classification system to be used at an institution and reflect the following:

1. When an offender is received at a correctional institution, he should meet with the classification unit (committee, team, or the like) to develop a plan for increasing personal responsibility and community contact.

2. At the initial meeting, behavioral objectives should be established, to be accomplished within a specified period. After that time another meeting should be held to make adjustments in the individual's plan which, assuming that the objectives have been met, will provide for transition to a lower level of custody and increasing personal responsibility and community involvement.

3. Similarly, at regular time intervals, each inmate's status should be reviewed, and if no strong reasons exist to the contrary, further favorable adjustments should be made.

4. Allowing for individual differences in time and progress or lack of progress, the inmate should move through a series of levels broadly encompassing movement from (a) initial security involving few outside privileges and minimal contact with community participants in institutional programs to (b) lesser degrees of custody with participation in institutional and community programs involving both citizens and offenders, to (c) partial-release programs under which he would sleep in the institution but have maximum participation in institutional and outside activities involving community residents, to (d) residence in a halfway house or similar noninstitutional residence, to (e) residence in the community at the place of his choice with moderate supervision, and finally to release from correctional supervision.

5. The presumption should be in favor of decreasing levels of supervision and increasing levels of individual responsibility.

6. When an inmate fails to meet behavioral objectives, the team may decide to keep him in the same status for another period or move him back. On the other hand, his behavioral achievements may indicate that he can be moved forward rapidly without having to go through all the successive stages.

7. Throughout the process, the primary emphasis should be on individualization—on behavioral changes based on the individual's interests, abilities, and priorities. Offenders also should be afforded opportunities to give of their talents, time, and efforts to others, including other inmates and community residents.

8. A guiding principle should be the use of positive reinforcement in bringing about behavioral improvements rather than negative reinforcement in the form of punishment.

References

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2. Bradley, Harold B., et al. *The Non-Prison: A New Approach to Treating Youthful Offenders.* Sacramento: Institute for the Study of Crime and Delinquency, 1970.
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* For commentary see Corrections pp. 244-246

Standard 8.1

Role of Police in Intake and Detention *

Each juvenile court jurisdiction immediately should take the leadership in working out with local police agencies policies and procedures governing the discretionary diversion authority of police officers and separating police officers from the detention decision in dealing with juveniles.

1. Police agencies should establish written policies and guidelines to support police discretionary authority, at the point of first contact as well as at the police station, to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system, when the safety of the community is not jeopardized. Disposition may include:

- **a. Release on the basis of unfounded charges.**
- **b. Referral to parents (warning and release).**
- **c. Referral to social agencies.**
- **d. Referral to juvenile court intake services.**

2. Police should not have discretionary authority to make detention decisions. This responsibility rests with the court, which should assume control over admissions on a 24-hour basis.

When police have taken custody of a minor, and prior to disposition under Paragraph 2 above, the following guidelines should be observed.

1. Under the provisions of Gault and Miranda, police should first warn juveniles of their right to counsel and the right to remain silent while under custodial questioning.

2. The second act after apprehending a minor should be the notification of his parents.

3. Extrajudicial statements to police or court officers not made in the presence of parents or counsel should be inadmissible in court.

4. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult booking process.

5. Juvenile records should be maintained physically separate from adult case records.

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* For commentary see Corrections pp. 264-265

Standard 8.2

Juvenile Intake Services *

Each juvenile court jurisdiction immediately should take action, including the pursuit of enabling legislation where necessary, to establish within the court organized intake services operating as a part of or in conjunction with the detention center. Intake services should be geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile justice system and to reduce the detention of youngsters to an absolute minimum.

1. Intake personnel should have authority and responsibility to:

a. Dismiss the complaint when the matter does not fall within the delinquency jurisdiction of the court or is so minor or the circumstances such that no intervention is required.

b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child.

c. Divert as many youngsters as possible to another appropriate section of the court or to alternative programs such as mental health and family services, public welfare agencies, youth service bureaus, and similar public and private agencies.

2. Intake personnel should seek informal service dispositions for as many cases as possible, provided the safety of the child and of the community is not endangered. Informal service denotes any provision for continuing efforts on the part of the court at disposition without the filing of a petition, including:

a. Informal adjustments.
b. Informal probation.
c. Consent decrees.

3. Informal service dispositions should have the following characteristics:

a. The juvenile and his parents should be advised of their right to counsel.

b. Participation by all concerned should be voluntary.

c. The major facts of the case should be undisputed.

d. Participants should be advised of their right to formal adjudication.

e. Any statements made during the informal process should be excluded from any subsequent formal proceeding on the original complaint.

f. A reasonable time limit (1 to 2 months) should be adhered to between date of complaint and date of agreement.

g. Restraints placed on the freedom of juveniles in connection with informal dispositions should be minimal.

h. When the juvenile and his parents agree to informal proceedings, they should be informed that they can terminate such dispositions at any time and request formal adjudication.

4. Informal probation is the informal supervision of a youngster by a probation officer who wishes to reserve judgment on the need for filing a petition until after he has had the opportunity to determine whether informal treatment is sufficient to meet the needs of the case.

5. A consent decree denotes a more formalized order for casework supervision and is neither a formal determination of jurisdictional fact nor a formal disposition. In addition to the characteristics listed in paragraph 3, consent decrees should be governed by the following considerations:

a. Compliance with the decree should bar further proceedings based on the events out of which the proceedings arose.

b. Consummation of the decree should not result in subsequent removal of the child from his family.

c. The decree should not be in force more than 3 to 6 months.

d. The decree should state that it does not constitute a formal adjudication.

e. No consent decree should be issued without a hearing at which sufficient evidence appears to provide a proper foundation for the decree. A record of such hearing should be kept, and the court in issuing the decree should state in writing the reasons for the decree and the factual information on which it is based.

6. Cases requiring judicial action should be referred to the court.

a. Court action is indicated when:

(1) Either the juvenile or his parents request a formal hearing.

(2) There are substantial discrepancies about the allegations, or denial, of a serious offense.

(3) Protection of the community is an issue.

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* For commentary see Corrections pp. 266 - 268

(4) Needs of the juvenile or the gravity of the offense makes court attention appropriate.

b. In all other instances, court action should not be indicated and the juvenile should be diverted from the court process. Under no circumstances should children be referred to court for behavior that would not bring them before the law if they were adults.

Under the supervision of the court, review and monitoring procedures should evaluate the effectiveness of intake services in accomplishing the diversion of children from the juvenile justice system and reducing the use of detention, as well as appropriateness and results of informal dispositions.

7. Predetention screening of children and youths referred for court action should place into their parental home, a shelter, or nonsecure residential care as many youngsters as may be consistent with their needs and the safety of the community. Detention prior to adjudication of delinquency should be based on these criteria:

a. Detention should be considered a last resort where no other reasonable alternative is available.

b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.

c. Detention decisions should be made only by court or intake personnel, not by police officers.

d. Prior to first judicial hearing, the juvenile ordinarily should not be detained longer than overnight.

e. Juveniles should not be detained in jails, lockups, or other facilities used for adults.

References

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Standard 8.3

Juvenile Detention* Center Planning

When total system planning conducted as outlined in Standard 9.1 indicates need for renovation of existing detention facilities to accommodate an expanded function involving intake services or shows need for construction of a new juvenile detention facility, each jurisdiction should take the following principles into consideration in planning the indicated renovations or new construction.

1. The detention facility should be located in a residential area in the community and near court and community resources.

2. Population of detention centers should not exceed 30 residents. When population requirements significantly exceed this number, development of separate components under the network system concept outlined in Standard 9.1 should be pursued.

3. Living area capacities within the center should not exceed 10 or 12 youngsters each. Only individual occupancy should be provided, with single rooms and programming regarded as essential. Individual rooms should be pleasant, adequately furnished, and homelike rather than punitive and hostile in atmosphere.

4. Security should not be viewed as an indispensable quality of the physical environment but should be based on a combination of staffing patterns, technological devices, and physical design.

5. Existing residential facilities within the community should be used in preference to new construction.

6. Facility programming should be based on investigation of community resources, with the contemplation of full use of these resources, prior to determination of the facility's in-house program requirements.

7. New construction and renovation of existing facilities should be based on consideration of the functional interrelationships between program activities and program participants.

8. Detention facilities should be coeducational and should have access to a full range of supportive programs, including education, library, recreation, arts and crafts, music, drama, writing, and entertainment. Outdoor recreational areas are essential.

9. Citizen advisory boards should be established to pursue development of in-house and community-based programs and alternatives to detention.

10. Planning should comply with pertinent State and Federal regulations and the Environmental Policy Act of 1969.

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2. "Designing Facilities—The Detention Center." (Philadelphia: University of Pennsylvania, 1971, unpublished.)

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* For commentary see Corrections pp. 269 - 270

Standard 8.4

Juvenile Intake and Detention Personnel Planning *

Each jurisdiction immediately should reexamine its personnel policies and procedures for juvenile intake and detention personnel and make such adjustments as may be indicated to insure that they are compatible with and contribute toward the goal of reintegrating juvenile offenders into the community without unnecessary involvement with the juvenile justice system.

Personnel policies and procedures should reflect the following considerations.

1. While intake services and detention may have separate directors, they should be under a single administrative head to assure coordination and the pursuit of common goals.

2. There should be no discriminatory employment practice on the basis of race or sex.

3. All personnel should be removed from political influence and promoted on the basis of a merit system.

4. Job specifications should call for experienced, specialized professionals, who should receive salaries commensurate with their education, training, and experience and comparable to the salaries of administrative and governmental positions requiring similar qualifications.

5. Job functions and spheres of competency and authority should be clearly outlined, with stress on teamwork.

6. Staffing patterns should provide for the use of professional personnel, administrative staff, indigenous community workers, and counselors.

7. Particular care should be taken in the selection of line personnel, whose primary function is the delivery of programs and services. Personnel should be selected on the basis of their capacity to relate to youth and to other agencies and their willingness to cooperate with them.

8. The employment of rehabilitated ex-offenders, new careerists, paraprofessionals, and volunteers should be pursued actively.

9. Staff development and training programs should be regularly scheduled.

10. The standards set forth in Chapter 14, Manpower, should be observed.

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* For commentary see Corrections pp. 271-272

Standard 11.9

Counseling Programs*

Each institution should begin immediately to develop planned, organized, ongoing counseling programs, in conjunction with the implementation of Standard 11.3, Social Environment of Institutions, which is intended to provide a social-emotional climate conducive to the motivation of behavioral change and interpersonal growth.

1. Three levels of counseling programs should be provided:

a. Individual, for self-discovery in a one-to-one relationship.

b. Small group, for self-discovery in an intimate group setting with open communication.

c. Large group, for self-discovery as a member of a living unit community with responsibility for the welfare of that community.

2. Institutional organization should support counseling programs by coordinating group living, education, work, and recreational programs to maintain an overall supportive climate. This should be accomplished through a participative management approach.

3. Each institution should have a full-time counseling supervisor responsible for developing and maintaining an overall institutional program through training and supervising staff and volunteers. A bachelor's degree with training in social work, group work, and counseling psychology should be required. Each unit should have at least one qualified counselor to train and supervise nonprofessional staff. Trained ex-offenders and paraprofessionals with well-defined roles should be used.

4. Counseling within institutions should be given high priority in resources and time.

References

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2. Fenton, N., et al. *The Correctional Community.* Sacramento: California Youth and Adult Corrections, 1967.

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* For commentary see Corrections pp. 385-386

Standard 16.1

Comprehensive Correctional Legislation*

Each State, by 1978, should enact a comprehensive correctional code, which should include statutes governing:

1. Services for persons awaiting trial.

2. Sentencing criteria, alternatives, and procedures.

3. Probation and other programs short of institutional confinement.

4. Institutional programs.

5. Community-based programs.

6. Parole.

7. Pardon.

The code should include statutes governing the preceding programs for:

1. Felons, misdemeanants, and delinquents.

2. Adults, juveniles, and youth offenders.

3. Male and female offenders.

Each legislature should state the "public policy" governing the correctional system. The policy should include the following premises:

1. Society should subject persons accused of criminal conduct or delinquent behavior and awaiting trial to the least restraint or condition which gives reasonable assurance that the person accused will appear for trial. Confinement should be used only where no other measure is shown to be adequate.

2. The correctional system's first function is to protect the public welfare by emphasizing efforts to assure that an offender will not return to crime after release from the correctional system.

3. The public welfare is best protected by a correctional system characterized by care, differential programming, and reintegration concepts rather than punitive measures.

4. An offender's correctional program should be the least drastic measure consistent with the offender's needs and the safety of the public. Confinement, which is the most drastic disposition for an offender and the most expensive for the public, should be the last alternative considered.

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* For commentary see Corrections pp. 553 - 554

Standard 16.9

Detention and Disposition of Juveniles *

Each State should enact legislation by 1975 limiting the delinquency jurisdiction of the courts to those juveniles who commit acts that if committed by an adult would be crimes.

The legislation should also include provisions governing the detention of juveniles accused of delinquent conduct, as follows:

1. A prohibition against detention of juveniles in jails, lockups, or other facilities used for housing adults accused or convicted of crime.

2. Criteria for detention prior to adjudication of delinquency matters which should include the following:

> **a. Detention should be considered as a last resort where no other reasonable alternative is available.**
>
> **b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.**

3. Prior to first judicial hearing, juveniles should not be detained longer than overnight.

4. Law enforcement officers should be prohibited from making the decision as to whether a juvenile should be detained. Detention decisions should be made by intake personnel and the court.

The legislation should authorize a wide variety of diversion programs as an alternative to formal adjudication. Such legislation should protect the interests of the juvenile by assuring that:

1. Diversion programs are limited to reasonable time periods.

2. The juvenile or his representative has the right to demand formal adjudication at any time as an alternative to participation in the diversion program.

3. Incriminating statements made during participation in diversion programs are not used against the juvenile if a formal adjudication follows.

Legislation, consistent with Standard 16.8 but with the following modifications, should be enacted for the disposition of juveniles:

1. The court should be able to permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitations as the court may prescribe.

2. Detention, if imposed, should not be in a facility used for housing adults accused or convicted of crime.

3. Detention, if imposed, should be in a facility used only for housing juveniles who have committed acts that would be criminal if committed by an adult.

4. The maximum terms, which should not include extended terms, established for criminal offenses should be applicable to juveniles or youth offenders who engage in activity prohibited by the criminal code even though the juvenile or youth offender is processed through separate procedures not resulting in a criminal conviction.

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* For commentary see Corrections pp. 573 - 575

Standard 16.10

Presentence Reports *

Each State should enact by 1975 legislation authorizing a presentence investigation in all cases and requiring it:

1. In all felonies.

2. In all cases where the offender is a minor.

3. As a prerequisite to a sentence of confinement in any case.

The legislation should require disclosure of the presentence report to the defendant, his counsel, and the prosecutor.

References

1. American Bar Association Project on Standards for Criminal Justice. *Standards Relating to Probation*. New York: Office of the Criminal Justice Project, 1970, and authorities cited therein.
2. American Bar Association Project on Standards for Criminal Justice. *Standards Relating to Sentencing Alternatives and Procedures*. New York: Office of the Criminal Justice Project, 1968.
3. American Law Institute. *Model Penal Code: Proposed Official Draft*. Philadelphia: ALI, 1962, Sec. 707.
4. *Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency*. Washington: U.S. Department of Health, Education, and Welfare, 1972.
5. President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: The Courts*. Washington: Government Printing Office, 1967.
6. *State* v. *Kunz*, 55 N.J. 128, 259 A.2d 895 (1969).
7. Zastrow, William G. "Disclosure of the Pre-Sentence Investigation Report," *Federal Probation*, 30 (1971), 20.

* For commentary see Corrections pp. 576 - 577

Standard 16.11

Probation Legislation*

Each State should enact by 1975 probation legislation (1) providing probation as an alternative for all offenders; and (2) establishing criteria for (a) the granting of probation, (b) probation conditions, (c) the revocation of probation, and (d) the length of probation.

Criteria for the granting of probation should be patterned after Sec. 7.01 of the Model Penal Code and should:

1. Require probation over confinement unless specified conditions exist.

2. State factors that should be considered in favor of granting probation.

3. Direct the decision on granting probation toward factors relating to the individual offender rather than to the offense.

Criteria for probation conditions should be patterned after Sec. 301.1 of the Model Penal Code and should:

1. Authorize but not require the imposition of a range of specified conditions.

2. Require that any condition imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberty or incompatible with his constitutional rights.

3. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

Criteria and procedures for revocation of probation should provide that probation should not be revoked unless:

1. There is substantial evidence of a violation of one of the conditions of probation;

2. The probationer is granted notice of the alleged violation, access to official records regarding his case, the right to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him; and

3. The court provides the probationer a written statement of the findings of fact, the reasons for the revocation, and the evidence relied upon.

In defining the term for which probation may be granted, the legislation should require a specific term not to exceed the maximum sentence authorized by law except that probation for misdemeanants should not exceed one year. The court should be authorized to discharge a person from probation at any time.

The legislation should authorize an appellate court on the initiation of the defendant to review decisions that deny probation, impose conditions, or revoke probation. Such review should include determination of the following:

1. Whether the decision is consistent with statutory criteria.

2. Whether the decision is unjustifiably disparate in comparison with cases of a similar nature.

3. Whether the decision is excessive or inappropriate.

4. Whether the manner in which the decision was arrived at is consistent with statutory and constitutional requirements.

References

1. American Bar Association Project on Standards for Criminal Justice. *Standards Relating to Probation.* New York: Office of the Criminal Justice Project, 1970, and the authorities cited therein.
2. American Law Institute. *Model Penal Code: Proposed Official Draft.* Philadelphia: ALI, 1962.
3. *Legislative Guide for Drafting Family and Juvenile Court Acts.* Washington: U.S. Department of Health, Education, and Welfare, 1969.
4. *Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency.* Washington: U.S. Department of Health, Education, and Welfare, 1972.
5. Nebraska Probation Administration Act, Neb. Rev. Stat. Sec. 29–2246 (Supp. 1971).
6. Note, *Columbia Law Review,* 67 (1967), 181.

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* For commentary see Corrections pp. 578 - 580

Standard 16.14

Community-Based Programs *

Legislation should be enacted immediately authorizing the chief executive officer of the correctional agency to extend the limits of confinement of a committed offender so the offender can participate in a wide variety of community-based programs. Such legislation should include these provisions:

1. Authorization for the following programs:

a. Foster homes and group homes, primarily for juvenile and youthful offenders.

b. Prerelease guidance centers and halfway houses.

c. Work-release programs providing that rates of pay and other conditions of employment are similar to those of free employees.

d. Community-based vocational training programs, either public or private.

e. Participation in academic programs in the community.

f. Utilization of community medical, social rehabilitation, vocational rehabilitation, or similar resources.

g. Furloughs of short duration to visit relatives and family, contact prospective employers, or for any other reason consistent with the public interest.

2. Authorization for the development of community-based residential centers either directly or through contract with governmental agencies or private parties, and authorization to assign offenders to such centers while they are participating in community programs.

3. Authorization to cooperate with and contract for a wide range of community resources.

4. Specific exemption for participants in community-based work programs from State-use and other laws restricting employment of offenders or sale of "convict-made" goods.

5. Requirement that the correctional agency promulgate rules and regulations specifying conduct that will result in revocation of community-based privileges and procedures for such revocation. Such procedures should be governed by the same standards as disciplinary proceedings involving a substantial change in status of the offender.

References

1. Carpenter, Lawrence. "The Federal Work Release Program," *Nebraska Law Review*, 45 (1966), 690.
2. Cohen, Fred. *The Legal Challenge to Corrections*. Washington: Joint Commission on Correctional Manpower and Training, 1969.
3. Council on the Diagnosis and Evaluation of Criminal Defendants. *Illinois Unified Code of Corrections: Tentative Final Draft*. St. Paul: West: 1971.
4. Empey, LaMar T. *Alternatives to Incarceration*. Washington: U.S. Department of Health, Education, and Welfare, 1967.
5. Federal Prisoner Rehabilitation Act of 1965, 18 U. S. C. Sec. 4082 (1965).
6. *Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency*. Washington: U.S. Department of Health, Education, and Welfare, 1972.
7. President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: Corrections*. Washington: Government Printing Office, 1967.

* For commentary see Corrections pp. 585 - 586

STANDARDS AND GOALS
COMMUNITY CRIME PREVENTION:
YOUTH SERVICES BUREAUS

Standard 3.1

Purpose, Goals, and Objectives *

Youth services bureaus should be established to focus on the special problems of youth in the community. The goals may include diversion of juveniles from the justice system; provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.

1. Priorities among goals should be locally set.

2. Priorities among goals (as well as selection of functions) should be based on a careful analysis of the community, including an inventory of existing services and a systematic study of youth problems in the individual community.

3. Objectives should be measurable, and progress toward them should be scrutinized by evaluative research.

References

1. Kahn, Alfred J., *Planning Community Services for Children in Trouble*, 1963.

2. Lemert, Edwin M., *Instead of Court: Diversion in Juvenile Justice*, 1971.

3. Martin, John M., *Toward a Political Definition of Delinquency Prevention*, 1970.

4. Norman, Sherwood, *The Youth Service Bureau: A Key to Delinquency Prevention*, 1972.

5. Underwood, William, *A National Study of Youth Service Bureaus*, 1972.

6. Youth Development and Delinquency Prevention Administration, *Delinquency Prevention Through Youth Development*, 1972.

7. Youth Services Bureau of Wake Forest University, 110 North Hawthorne Road, Winston-Salem, N.C. 27104.

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* For commentary see Community Crime Prevention pp. 70 - 71

Standard 3.2

Decision Structure*

Youth services bureaus should be organized as independent, locally operated agencies that involve the widest number of people of the community, particularly youth, in the solution of youth problems. The most appropriate local mix for decisionmaking should be determined by the priorities set among the goals, but in no case should youth services bureaus be under the control of the justice system or any of its components.

1. A bureau should be operated with the advice and consent of the community it serves, particularly the recipients of its services. This should include the development of youth responsibility for community delinquency prevention.

2. A coalition, including young people, indigenous adults, and representatives of agencies and organizations operating in the community, should comprise the decisionmaking structure. Agency representatives should include juvenile justice policymakers.

References

1. *Delinquency Prevention Through Youth Development,* Youth Development and Delinquency Prevention Administration, 1972.

2. Martin, John M., *Toward a Political Definition of Delinquency Prevention,* 1970.

3. Polk, Kenneth, *Delinquency Prevention and the Youth Service Bureau,* 1970.

4. Youth Advocacy, 509 West Washington Street, South Bend, Ind. 46601.

5. Youth Services Bureau of Greensboro, Inc., P. O. Box 3428, Greensboro, N.C. 27402.

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* For commentary see Community Crime Prevention pp. 72 - 73

Standard 3.3

Target Group *

Youth services bureaus should make needed services available to all young people in the community. Bureaus should make a particular effort to attract diversionary referrals from the juvenile justice system.

1. Law enforcement and court intake personnel should be strongly encouraged, immediately through policy changes and ultimately through legal changes, to make full use of the youth services bureau in lieu of court processing for every juvenile who is not an immediate threat to public safety and who voluntarily accepts the referral to the youth services bureau.

2. Specific criteria for diversionary referrals should be jointly developed and specified in writing by law enforcement, court, and youth services bureau personnel. Referral policies and procedures should be mutually agreed upon.

3. Diversionary referrals should be encouraged by continual communication between law enforcement, court, and youth services bureau personnel.

4. Referrals to the youth services bureau should be completed only if voluntarily accepted by the youth. The youth should not be forced to choose between bureau referral and further justice system processing.

5. The juvenile court should not order youth to be referred to the youth services bureau.

6. Cases referred by law enforcement or court should be closed by the referring agency when the youth agrees to accept the youth services bureau's service. Other dispositions should be made only if the youth commits a subsequent offense that threatens the community's safety.

7. Referring agencies should be entitled to and should expect systematic feedback on initial services provided to a referred youth by the bureau. However, the youth services bureau should not provide justice system agencies with reports on any youth's behavior.

8. Because of the voluntary nature of bureau services and the reluctance of young people who might benefit from them, the youth services bureau should provide its services to youth aggressively. This should include the use of hotlines and outreach or street workers wherever appropriate.

References

1. Duxbury, Elaine, *Youth Service Bureaus in California: Progress Report Number 3*, 1972.

2. Lemert, Edwin M., *Instead of Court: Diversion in Juvenile Justice*, 1971.

3. Norman, Sherwood, *The Youth Service Bureau: A Key to Delinquency Prevention*, 1972.

4. Pacifica Youth Service Bureau, 160 Milagra Drive, Pacifica, Calif. 94044.

5. Seymour, John, *Youth Services Bureaus*, 1971.

6. Underwood, William, *A National Study of Youth Service Bureaus*, 1972.

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* For commentary see Community Crime Prevention pp. 74 - 75

Standard 3.4

Functions *

Youth services bureaus should, whenever possible, utilize existing services for youth through referral, systematic followup, and individual advocacy. Bureaus should develop and provide services on an ongoing basis only where these services are unavailable to the youth in the community or are inappropriately delivered. Services should be confidential and should be available immediately to respond skillfully to each youth in crisis.

1. A youth services bureau's programs should be specifically tailored to the needs of the community it serves. This should include consideration of techniques suitable for urban, suburban, or rural areas.

2. The youth services bureau should provide services with a minimum of intake requirements and form filling by the youth served.

3. Services should be appealing and accessible by location, hours of service availability, and style of delivery.

4. The youth services bureau should provide services to young people at their request, without the requirement of parental permission.

5. Case records should be minimal, and those maintained should be confidential and should be revealed to agencies of the justice system and other community agencies only with the youth's permission.

6. The youth services bureau should make use of existing public and private services when they are available and appropriate.

7. The bureau should maintain an up-to-date listing of all community services to which youth can be referred by the bureau. This listing should be readily accessible by all bureau staff.

8. Referrals to other community services should be made only if voluntarily accepted by the youth.

9. The youth services bureau should not refer youth to court except in cases of child neglect or abuse.

10. In referring to other community agencies for service, the youth services bureau should expedite access to service through such techniques as arranging appointments, orienting the youth to the service, and providing transportation if needed.

11. The youth services bureau should rapidly and systematically follow up each referral to insure that the needed service was provided.

12. The youth services bureau should have funds to use for purchase of services that are not otherwise available.

References

1. Duxbury, Elaine, *Youth Service Bureaus in California, Progress Report Number 3*, 1972.

2. Gorlich, Elizabeth, *Guidelines for Demonstration Projects for Youth Service Bureaus*, 1969.

3. Norman, Sherwood, *The Youth Service Bureau: A Key to Delinquency Prevention*, 1972.

4. Underwood, William, *A National Study of Youth Service Bureaus*, 1972.

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* For commentary see Community Crime Prevention pp. 76 - 77

Standard 3.5

Staffing *

Sufficient full-time, experienced staff should be employed by the youth services bureau to insure the capacity to respond immediately to complex personal crises of youth, to interact with agencies and organizations in the community, and to provide leadership to actualize the skills of less experienced employees and volunteers.

1. Staff who will work directly with youth should be hired on the basis of their ability to relate to youth in a helping role, rather than on the basis of formal education or length of experience.

2. Staff should be sensitive to the needs of young people and the feelings and pressures in the community. They should be as sophisticated as possible about the workings of agencies, community groups, and government. Staff should be capable of maintaining numerous and varied personal relationships.

3. Indigenous workers, both paid and volunteer, adult and youth, should be an integral part of the youth services bureau's staff and should be utilized to the fullest extent.

4. Young people, particularly program participants, should be used as staff (paid or volunteer) whenever possible.

5. Volunteers should be actively encouraged to become involved in the bureau. Those working in one-to-one relationships should be screened and required to complete formalized training before working directly with youth. The extent of training should be determined by the anticipated depth of the volunteer-youth relationship.

6. Whenever possible, the youth services bureau should have available (perhaps on a volunteer basis) the specialized professional skills of doctors, psychiatrists, attorneys, and others to meet the needs of its clients.

References

1. California Delinquency Prevention Commission, *Youth Service Bureaus: Standards and Guidelines*, 1968.

2. Scottsdale Youth Service Bureau, 6921 East Thomas Road, Scottsdale, Ariz. (volunteer training).

3. Spergel, Irving A., *Community Problem Solving: The Delinquency Example*, 1969.

4. Underwood, William, *A National Study of Youth Service Bureaus*, 1972.

5. Youth Services of Tulsa, 222 East 5th Street, Tulsa, Okla. 74103 (use of volunteers).

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* For commentary see Community Crime Prevention pp. 78 - 79

Standard 3.6

Evaluation of Effectiveness*

Each youth services bureau should be objectively evaluated in terms of its effectiveness. Personnel, clients, program content, and program results should be documented from the inception of the bureau.

1. Evaluation objectives and methods should be developed concurrently with the development of the proposed youth services bureau and should be directly related to the bureau's highest priority objectives.

2. Wherever possible, an evaluation to compare the effectiveness of several youth services bureaus should be implemented in order to increase knowledge of the impact of the bureaus.

3. Evaluation should focus more on changes in institutions' response to youth problems than on behavioral changes in individual youth.

4. Each youth services bureau should establish an information system, nevertheless, containing basic information on the youth served and the service provided, as well as changes in the manner in which the justice system responds to his behavior.

5. Trends in arrest, court referral, and adjudication rates should be analyzed for each youth services bureau placing a high priority on diversion.

References

1. Duxbury, Elaine, *Youth Service Bureaus in California: Progress Report Number 3*, 1972.
2. Norman, Sherwood, *The Youth Service Bureau: A Key to Delinquency Prevention*, 1972.
3. Reynolds, Paul Davidson and John J. Vincent, *Evaluation of Five Youth Service Bureaus in the Twin Cities Region*, 1972.

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* For commentary see Community Crime Prevention pp. 80 - 81

Standard 3.7

Funding *

Public funds should be appropriated on an ongoing basis, to be available for continuing support for effective youth services bureaus. Private funding also should be encouraged.

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* For commentary see Community Crime Prevention p. 82

APPENDICES

APPENDIX A

FEDERAL ANTICRIME FUNDS FOR JUVENILE DELINQUENCY PREVENTION

by Jerris Leonard and Thomas J. Madden*

Headnote

The sharply rising desire of States and communities to reduce crime through the prevention of juvenile delinquency has generated new calls for Federal funds to support those efforts. Fundamental questions have arisen about the use of funds from the Law Enforcement Assistance Administration (LEAA) to support programs which only remotely touch the juvenile justice system.

These programs may be meritorious, but does LEAA have the authority to support them? What was the intent of Congress in this regard? What interpretation should LEAA place on the basic statutes? What is the proper role of other Federal agencies in this area? How can Federal resources best be focused on the prevention of juvenile delinquency—which may prove to be one of the Nation's most important attacks on crime at all levels.

Introduction

Assume that a public school superintendent wants to establish an alternate remedial education program for high school dropouts who may, he thinks, tend to become juvenile delinquents.

Is that program eligible for funding from the Law Enforcement Assistance Administration (LEAA)? From some other Federal agency?

Is the situation any different if the dropouts have in fact been adjudicated as delinquent or are on probation?

Assume that a mayor wants to establish a program of professional counseling for any youths who seek it at community guidance centers.

Is that program eligible for LEAA funds? Is the situation any different if the counseling is directed at youths showing an early tendency to use drugs?

These are examples of typical program ideas that abound in the United States. All States and most communities are developing innovative approaches to the prevention of juvenile delinquency.

A central issue concerns the legal authority of LEAA to support such programs. Analysis of this issue depends upon an understanding of the intent of Congress in establishing LEAA, of the funding machinery operated by LEAA, of the statutory scheme Congress has enacted involving other Federal agencies, and of what is meant by "prevention" in the first place.

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A precise differentiation among the many Federal agencies involved in juvenile delinquency clearly is desirable. Without a neat assignment of certain roles of certain agencies, there will be duplication of effort, wasted funds, and probably a number of missed opportunities in terms of support for worthy programs.

The stakes in this area are high. States and communities generally lack the financial resources to do an adequate job, and are looking to the Federal Government for financial assistance—if not for policy guidance and technical and expert advice.

Federal assistance is available in large measures. In fiscal year 1971, the Federal Government financed general youth development programs with funds totaling about $10.5 billion. Almost $1 billion was spent specifically on juvenile delinquency programs, including such programs as education and counseling services, community activities, juvenile correctional centers and rehabilitation efforts, and research and training.

LEAA alone spent about $100 million on juvenile delinquency programs in fiscal year 1972 and anticipates continuing to spend a large proportion of its funds in this area. The LEAA budget for fiscal year 1973 is $850 million.

LEAA has been criticized from both ends of the spectrum of juvenile delinquency prevention programming. Some critics say that it has been too restrictive in its interpretations of the law and in its policies, and that it could broaden its definition of juvenile delinquency. Other critics contend that LEAA has gone too far in allowing its funds to be used for programs not specifically related to juvenile offenders.

This paper explores the efforts of LEAA to meet this issue, it describes how the issue developed, and it proposes guidelines for eventual adoption by LEAA.

LEAA Definition of the Problem

LEAA has tried to devise a plan or set of standards that would delineate its funding authority in delinquency prevention. First, an attempt was made to define the problem and categorize the types of programs which were involved.

A study was made of the kinds of programs that conceivably could be employed in delinquency prevention. LEAA examined these program types to determine how involved the agency already was in each, and whether such involvement was tenable given the legislative mandate and goals. At this point, thought was being given to using program typologies to guide funding.

As a result of this study, delinquency prevention programs were divided into four categories or levels: Level I, programs within the juvenile justice system; Level II, programs targeted solely for juvenile delinquents and/or potential delinquents; Level III, programs which service referrals from the juvenile justice system among others; and Level IV, programs which seek to prevent delinquency by attacking the known characteristics of juvenile delinquents. These levels represented the entire spectrum of delinquency programming in which LEAA might be involved or could envision itself being involved under Title I authority.

The order of the levels indicated the order of program types from the least controversial and most clearly fundable under Title I, to the most controversial and least clearly fundable.

Level I encompassed all those programs employed in conjunction with any aspect of law enforcement and the juvenile justice system, as long as the program was exclusively devoted to youths within the juvenile justice system. Level I would include all those programs, community-based or otherwise, to which a juvenile and/or his family is referred after official police contact, after contact with any youth division section of the police, or other intake officer, or any program, service, or facility employed by intake officers, social service officers, probation officers, courts, parole, and so forth.[1]

These programs are the most closely related to law enforcement and the criminal justice system, which are the prime areas of LEAA focus. Although greatly needed, however, these programs are not purely preventive in nature because they seek to service youth who are already within the juvenile justice system. They are, however, unquestionably fundable with LEAA money.

Level II encompassed a broader scope of programs. This level includes those programs directed toward youths who had given the community some reason to believe they were potential delinquents. In order to develop such programs, it was necessary to develop means of identification. It was thought that this identification could be done on either a case-by-case basis[2] or on an area basis.[3]

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[1] Parole and correction programs and services are also eligible for funding, independent of the prevention mandate in Title I, under Part E, Grants for Correctional Institutions and Facilities, Title I, *supra* § 451 et. seq.

[2] Some credence is given to this approach by Virginia Burns and Leonard Stern in "The Prevention of Juvenile Delinquency," Task Force, *supra* at 353. They state that:

". . . we know enough about which danger signals require our attention. Some studies indicate that school fail-

Level III programs were viewed as an alternative to Level II. Level III programs encompassed any program that serviced juveniles who were referrals from the juvenile justice system. With a determination of a certain percentage of such referrals, LEAA funds justifiably might be used to totally fund the program.

The final level, Level IV, encompassed all other programs that sought to stop delinquency before its occurrence by addressing characteristics of known juveniles.[4] This program area tended to be highly speculative without much empirical evidence in support. This is also the area on which other Federal agencies are focusing; therefore, LEAA involvement here has met with a great deal of criticism.[5] This is precisely the area around which the controversy over the scope of LEAA's prevention effort has revolved.

After delineating these categories,[6] a limited effort was made to see how delinquency prevention programs already funded in 1971 fitted into these four levels.

An intra-agency study based on a sampling (one State) of the 10 LEAA Regions,[7] indicated that out of approximately 110 juvenile programs, only 29 programs were not limited to Level I. Of the 110, only about seven did not involve youths determined by the respective States to be high risk or potential delinquents. Only five of the 110 did not include among their clientele youths referred from the juvenile justice system, even though the rest of the recipients were not even always high risk youth. This is a small sampling but it shows how cautious States have been in delinquency prevention. This is not to say that such caution is desirable, but it does illustrate an apparent lack of abuse.

This caution probably can be attributed to the unwritten policy that LEAA funds were to be used exclusively for activities within the criminal justice system. Prevention was viewed as recidivism prevention rather than delinquency prevention. Once a youth was in the juvenile justice system, LEAA money could be used without doubt for any program, service, facility, or equipment necessary. The few States that ventured into programs somewhat or completely outside the criminal justice system, although justifying their adventure as necessary to combat delinquency in their circumstances, did so at their own risk. Since in-house policy and legislative intent were and still are somewhat vague, these States might or might not be questioned about the propriety of using LEAA funds to support their programs.

The Block Grant Approach

LEAA's basic fund disbursement machinery, the block grant,[8] is premised upon a concept of regionalization and localization of government.

In 1967 the President's Commission on Law Enforcement and Administration of Justice indicated that much of the responsibility for effective crime reduction measures and criminal justice system im-

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ure—academic and behavior—is a reliable early warning sign, regardless of class and geography. Certain types of encounter with the police lead more frequently than others to continued and intensified delinquent acts. Older youths who are out of school and unemployed have a greater potential for delinquent involvement than others. Young people who have been through some part of the correctional system and have returned to the free society with the record and association of institutionalization have a significant rate of recidivism. And certain signs of disengagement and alienation may be precursors to delinquency."

[3] "In many census tracts of inner city slum areas, huge proportions—up to 70 percent or more—of all youth find themselves in trouble with the law at some point in their adolescence. Given this fact, we can assume that, in such areas, all youth are vulnerable, and prevention efforts based on such probabilities should provide services and opportunities across the board to all youth." *Id.* at 362.

[4] The theory of Level IV is that certain characteristics as education, employment, status, use of narcotics can be determined from present prison populations and that some cause and effect decisions may be deducible from this information. Note that any reference to programs which seek to alleviate the causes of crime is purposely avoided because the determination of crime or delinquency causes is considered even more tenuous than either prevention itself or a causal relationship between verifiable characteristics of offenders and the occurrance of the offense.

[5] H. R. Rep. No. 92-1072, *supra* (note 50).

[6] These categories were not intended necessarily to be sociologically acceptable but were intended only as illustration tools within LEAA. By way of this categorizing process, it was hoped that the problem LEAA was addressing could be more clearly delineated so that the agency could develop a position on prevention that would neither inhibit effective prevention techniques that might still be in the infant stage of development while at the same time would not allow rampant diffusion of LEAA money into areas addressed by other agencies and remotely connected with crime.

[7] The 10 States which were sampled were Massachusetts, New Jersey, Pennsylvania, Georgia, Kansas, California, Illinois, Texas, Washington, and Colorado. These States were picked only because they each represent one of the 10 regions into which the country is divided. The analysis of their programs came from their 1971 comprehensive State plans. All program analyses are based upon proposed programing under Part C and Part E of Title I. Discretionary grants were not considered.

[8] Block grant is the disbursement of a lump sum amount of money based upon a legislative formula which will be more specifically disbursed by the State.

provements must be borne by State and local governments with Federal aid.[9]

Partly in response to this report and partly in response to the overwhelming national need for an improved law enforcement and criminal justice system, Title I of the Omnibus Crime Control and Safe Streets Act [hereinafter Title I] was enacted.[10] This act created LEAA and a fund disbursement program which emphasized law enforcement improvement at the State and local level[11]

Pursuant to this regional concept, Title I established a matching grant-in-aid program under which LEAA makes annual block planning and action grants to the States.[12] The grants are called block grants because the funds are required by Title I to be allocated in lump sums among the States, on the basis of population. It was intended that funds distribution and expenditure be by the States and cities according to criteria and priorities determined by them.[13] Although 85 percent of action funds must be disbursed in the block grant program, LEAA also makes discretionary grants which may be directly distributed by LEAA to the States for categorical purposes.[14]

Block planning grants are utilized by the States to establish and maintain State Planning Agencies [hereinafter SPA's] which are appointed by and are under the jurisdiction of the chief executive of the State.[15] Each SPA determines its needs and priorities for the improvement of law enforcement throughout the State. It also defines, develops, and correlates programs—including juvenile delinquency prevention programs—to improve and strengthen law enforcement for its State and all the units of local government within it.

The accumulated information is then incorporated into a comprehensive statewide plan for the improvement of law enforcement and the reduction of crime in that State and the plan is submitted to LEAA for review and approval.[16]

When a State plan has been reviewed and approved, the State is eligible to receive its allocated block action grant for that fiscal year. It should be noted that LEAA is required by statute to make block action grants if the SPA has an approved comprehensive plan which conforms with the purposes and requirements of the Safe Streets Act,[17] and with rules, regulations and procedures established by LEAA consistent with the Safe Streets Act.[18]

None of the conditions or guidelines imposed by LEAA is in conflict with the basic principles of the block grant concept.

Given the block grant approach, with its virtual "hands off" character, LEAA's involvement in the implementation of juvenile delinquency prevention programs can be no more than vicarious. It is clear that LEAA cannot under this funding system dictate the program areas that must or should be pursued by the States. This funding method is a real, although desirable, limitation on this Federal agency's influence on the character of prevention programming.

With certain minimal limitations, the States are the sole determiners as to their program needs. They are to establish the extent of their delinquency problem and how best to combat the problem. Due to the degree of self-determination involved under this funding approach, LEAA has incurred an interesting problem unparalleled in any other area of criminal justice planning.

Prevention may encompass projects not immediately related to the occurrence of crime. Can such projects deemed worthy by the SPA's be funded with LEAA money? Does LEAA have the authority to limit the breadth of their prevention involvement? Assuming that it does, does LEAA want to limit the breadth of delinquency prevention programming?

Possible answers to these and other questions require an inquiry into the background of Title I for legislative guidance.

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[9] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, xi (1967).

[10] Act of June 19, 1968, P. L. 90-351, Title I, 82 Stat. 197 et seq.; amended by P. L. 91-644, Title I, January 2, 1971, 84 Stat. 1881 [hereinafter Title I].

[11] Title I, *supra*, § 100, Congressional Findings: "Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this chapter to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals."

[12] Title I, *supra*, § 201-205.

[13] Title I, *supra*, § 202.

[14] Title I, *supra*, § 306.

[15] Title I, *supra*, § 202, 203.

[16] Title I, *supra*, § 302.

[17] Title I, *supra*, § 201.

[18] Title I, *supra*, § 205.

Prevention Funding Authority Under Title I

This discussion focuses on those provisions concerning crime prevention generally, as well as provisions concerning juvenile delinquency prevention and control. This is done to give the reader a better idea of the role prevention plays in LEAA's mandate to reduce crime and delinquency.

Legislative Language

The language of Title I suggests that Congress envisioned the use of LEAA funds in some crime prevention activities. Examples of this language are contained in the following provisions: the Congressional Findings section, where Congress speaks of the need of coordinated and intensified efforts at all levels of government in order to prevent crime and assure the people's safety,[19] section 301(b)(1) authorizes the use of action grants for the implementation of methods and devices to improve law enforcement and reduce crime;[20] section 301(b)(3) addresses public education relating to crime prevention among other things;[21] section 301(b)(9) directly concerns the development and operation of community-based delinquency prevention programs;[22] and section 601(a) defines law enforcement as used throughout the Title, as any activity pertaining to crime prevention.[23]

These examples say nothing of the specific references to other prevention efforts relating to organized crime, civil disturbances, and community service officer directed neighborhood programs.[24]

There seems to be little doubt that Title I authorized the funding of crime and delinquency prevention programs. The basic question, however, is what is prevention as envisioned by Congress? How encompassing was crime prevention intended to be? This is especially relevant since prevention can be and has been interpreted by experts in the field as crossing through all segments of human life.[25]

Given the potential breadth of prevention, it is necessary to explore whether the prevention effort enunciated by Congress in this act was intended to allow the funding of activities remotely or indirectly related to actual crime and the system which deals with criminal law violators.

Legislative History

The language of Congressional Findings section and sections 301(b)(1) and (3) concern the objectives of the 1968 act, which are further explained by way of delineation of specific program areas and include crime prevention. These objectives changed little during the act's historical development, as evidenced by the similarity of the language of section 301 in both the House and Senate bills.[26] Thus, it can be assumed that from the beginning, crime prevention was intended by Congress to be a key aim of the act. During hearings in the House, the Attorney General testified that the proposed grant program would include, among other things, crime prevention programs in schools, colleges, welfare agencies, and other institutions.[27]

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[19] Title I, *supra*, Congressional Findings:

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To *prevent crime* and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. (Emphasis added.)

[20] Title I, *supra*, § 301(b)(1):

"The Administration is authorized to make grants to States having comprehensive State plans approved by it under this subchapter for—(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of *methods, devices, facilities,* and *equipment* designed to improve and strengthen *law enforcement* (see § 601(a)) and *reduce crime* in public and private places." (Emphasis added.)

[21] Title I, *supra*, § 301(b)(3):

"(3) Public education relating to *crime prevention* and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies." (Emphasis added.)

[22] Title I, *supra*, § 301(b)(9):

"(9) The development and operation of community based *delinquent prevention* and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders." (Emphasis added.)

[23] Title I, *supra*, § 601(a):

"'Law Enforcement' means any *activity* pertaining to *crime prevention*, control, or reduction or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities and programs relating to *prevention*, control, reduction of *juvenile delinquency* or narcotic addiction." (Emphasis added.)

[24] Title I, *supra*, § 301(b)(5)-(7).

[25] "For 'crime' is not a single simple phenomenon that can be examined, analyzed, and described in one piece. It occurs in every part of the country and in every stratum of society. Its practitioners and its victims are people of all ages, incomes, and backgrounds. Its trends are difficult to ascertain. Its causes are legion. Its cures are speculative and controversial. An examination of any single kind of crime, let alone of 'crime in America,' raises a myriad of issues of the utmost complexity." President's Commission on Crime Report, *supra*, at 1.

[26] The language of § 301(b)(1), (3), and (7) is very similar and in the case of § 301(b)(1) is identical to the lan-

Further evidence of the intent that prevention programs be funded can be seen in the supplemental comments by Representatives William McCullock and Charles McC. Mathias, Jr., in the House report indicating that they supported Title I because they envisioned it as a moderate, progressive approach combining improvements in law enforcement and criminal justice along with advances in rehabilitation and prevention. This they felt was a desirable alternative to an approach that focused on social ills or an approach which fostered a "police state" system.[28]

These comments give weight to the idea that although LEAA is to be involved in crime and delinquency prevention, it was not intended that it become involved in the sociological aspects of prevention which are not somehow related to the criminal justice system.

The Senate Report (1968) indicates that the act's purpose was:

1. to encourage States and local governments to adopt comprehensive plans to increase the effectiveness of their law enforcement (which includes prevention);

2. to authorize grants to States and local governments to improve and strengthen their law enforcement;

3. to encourage research and development toward strengthening law enforcement, and the development of new prevention methods;

4. to control and eradicate organized crime; and

5. to control and prevent riots.[29]

As explicit as this enumeration of purpose is, it still fails to shed light on what was intended or even anticipated when prevention funding was authorized.

In the 1971 amendments to Title I, the House proposed to change the definition of law enforcement as follows:

> . . . all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole.[30]

The Senate rejected this definition because it was not broad enough. It was then revised in the Senate Judiciary Committee:

> . . . to make sure that the term would remain as broad in coverage as it is under the present Act.

The language finally agreed upon covers ". . . all activities pertaining to crime prevention or reduction and enforcement of the criminal law." [31]

The Senate's rejection and the final agreement on the present definition as amended indicate that the intended concept of prevention was broader than just police efforts to prevent crime. It is thus reasonable to assume that LEAA's prevention mandate is broader than the criminal justice system, and LEAA's funding authority in regard to juvenile delinquency prevention, though not explained, also is not so limited by legislative language or history.

The legislative history of section 301(b)(9), added by the 1971 amendments, indicates that it was intended to act as an incentive for the States to initiate community-based prevention and rehabilitation facilities for juveniles, although such facilities had always been fundable under the act.[32] It appears that Congress was mainly concerned with the community-based rehabilitation aspect and it once again left the prevention aspect unexplained—and unlimited.

Subsequent to the enactment of Title I and its amendments, the use of LEAA funds in prevention activities became the subject of congressional criticism.[33] In a House Committee on Government Operations' report, LEAA funded programs that were outside the criminal justice system, but were theoretically related to the grantee's delinquency prevention needs as determined by them, were considered by the Committee as misallocations of funds for activities outside the funding purview of Title I.

This criticism, whether accurate or not, resulted in a chain reaction cry from the SPA's for more

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guage of H.R. 5037, *supra*, and S. 917, *supra*, the original bills. Neither the House Judiciary Committee nor House amendments changed the objectives of H.R. 5037. Though the Senate Judiciary Committee made slight changes in S. 917's objectives, the subsequent Amendment No. 715, *supra*, did not alter them. See Remarks of Senator Hruska, 114 Cong. Rec. S5349 (daily ed., May 10, 1968). This means that all stages of the legislative history regarding the objectives can be given greater credibility.

[27] H. Rep. No. 488, 90th Cong., 1st Sess. 10 (1967).

[28] Supplemental Comments of Congressman William McCullock and Charles McC. Mathias, Jr., H. Rep. No. 488, *supra*, at 24.

[29] S. Rep. No. 1097, 90th Cong., 2d Sess. 30 (1968).

[30] H.R. 17825, § 8(1)(a), 91st Cong., 2d Sess., June 30, 1970.

[31] S. Rep. No. 1270, 91st Cong., 2d Sess., 37 (1970).

[32] S. Rep. No. 91-1253, 91st Cong., 2d Sess. 30, 31 (1970).

[33] House Committee on Government Operations, Block Grant Programs of the Law Enforcement Assistance Administration, H.R. Rep. No. 92-1072, 92nd Cong. 2d Sess. (1972).

direction as to what is eligible for delinquency prevention projects. This, of course, put pressure on LEAA to interpret a broad prevention mandate with little or no relevant history in an area that has no definable parameters of its own, and in such a way so as not to impinge on the "hands-off" nature of the block grant.

LEAA was specifically criticized for allowing the use of its funds for a learning disability workshop for preschoolers and an employment project.[34] Regardless of whether these projects are fundable under Title I, the Committee legitimately pinpointed a problem that is inherent in prevention program funding: What is prevention? As shall be seen, this is not easily answered and Congress never attempted to answer it in either Title I or the legislative history of the act. If prevention does include such things as education and employment, should LEAA fund these activities, especially when other agencies are purposely authorized and funded to concentrate on these activities?

Juvenile Delinquency Prevention Act

In 1968 Congress passed the Juvenile Delinquency Prevention and Control Act. The purpose of this act was to enable the Department of Health, Education, and Welfare (HEW) to assist and coordinate the efforts of public and private agencies engaged in combating juvenile delinquency.[35]

Unlike Title I, this act was a categorical grant program. Its thrust, however, was similar to that of LEAA's prevention mandate. The Juvenile Delinquency Act was intended to cover a whole spectrum of activities which LEAA, under its general mandate, also could fund. This seeming duplication became more pronounced after enactment of the 1971 amendments to Title I, when community-based juvenile delinquency prevention programming was specifically included as an action grant area.

Yet Congress evidently did not intend that the two programs work at odds with each other, or even duplicate the same efforts. Congress saw the Juvenile Delinquency Act as only a part of a larger, comprehensive effort to solve the problems of delinquency. As described by the Senate Report, this legislation:

> will achieve its maximum potential only if administered as a part of an enlightened network of antipoverty, antislum, and youth programs. It should not just be another categorical program that is administered in relative isolation from much larger efforts such as Community Action Program, Model Cities, and the Manpower Development and Training Act. Moreover, the committee amendment requires effective coordination with Justice Department programs in the delinquency area.[36]

Although Congress may not have intended duplication, potential duplication was created. This potential was recognized and criticized at the time the legislation was drafted. Senator Javits pointed out that the overlapping and duplication of Federal programs was what he considered the major problem with the Juvenile Delinquency Prevention and Control Act.[37] He said, "The key to controlling crime in this country is to prevent juvenile crime and to provide effective rehabilitation of juvenile offenders."[38] Given this need and LEAA's goal-oriented mandate to reduce crime, it is clear that regardless of HEW's authority to invest in delinquency prevention, LEAA must also be involved in fulfilling this need to some extent.

After 1968, there was at least a rhetorical rivalry between HEW and LEAA as to their roles in juvenile delinquency prevention programming. An effort to delineate the roles of these two agencies was made in an exchange of letters between the Attorney General and the Secretary of HEW in 1971. It was agreed that the agencies must work in concert. It was also acknowledged that, as a practical matter, HEW would concentrate on prevention while LEAA concentrated on rehabilitation.[39]

More importantly, however, these letters gave official agency recognition to the need for coordination. This exchange also resulted in an agreement to combine State planning efforts so that the requirements of both agencies were fulfilled with one plan.

Because LEAA has been more adequately funded than the Youth Development and Delinquency Prevention Administration (YDDPA) of HEW, LEAA has become more dominant in this area, which has not tended to reduce the confusion about the agencies' roles.[40] This funding reality, coupled with LEAA's authority and willingness to become involved in delinquency prevention, have contributed to State and local reliance on LEAA funds for these efforts.

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[34] H. R. Rep. No. 92-1072, *supra*, at 62.

[35] "It is therefore the purpose of this act to help State and local communities strengthen their juvenile justice and juvenile aid systems, including courts, correctional systems, police agencies, and law enforcement and other agencies which deal with juveniles, and to assist communities in providing diagnosis, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent." Juvenile Delinquency Prevention and Control Act of 1968, P.L. 90-445; 82 Stat. 462, Findings and Purpose [hereinafter J.D. Act]

[36] S. Rep. No. 1332, 90th Cong., 2d. 2832 (1968).

[37] Supplemental Comments by Senator Jacob K. Javits, S. Rep. No. 1332, *supra*, at 2, U. S. Code Cong. & Ad. News 2851 (1968).

[38] S. Rep. No. 1332, *supra*, at 2, U. S. Code Cong. & Ad. News 2833 (1968).

[39] Letter from the Secretary of Health, Education, and Welfare to the Attorney General and letter from the Attorney General to the Secretary of Health, Education, and Welfare in response, May 25, 1971.

In 1971, the Juvenile Delinquency Prevention and Control Act of 1968 was amended and extended.[41] The amendments established an Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. The Attorney General is chairman of the Council, but he delegated that function to the Administrator of LEAA. This council is currently involved in four major areas. First, it is developing program, evaluation, and management data. Second, it is sponsoring a joint effort by the member agencies to coordinate their programs. Third, it is developing coordinating mechanisms at the Federal, State, and local levels. Finally, it is preparing for public hearings in which it will seek recommendations from private and public interest groups on implementing coordination goals.[42]

On August 14, 1972, Congress renewed and amended the Juvenile Delinquency Act.[43] The purpose and emphasis of this act was changed to reflect a division of responsibility between HEW and LEAA. The focus of the new act is the prevention of delinquency in youths by assisting States and local education agencies and other public and nonprofit private agencies to establish and operate community-based programs, including school programs.[44] One of the discernible differences, however, is that the emphasis in the act is on school-related programs. Although LEAA conceivably can, and has funded prevention programs concerning the schools, it is fair to say that the school has not and probably should not be the focal point for LEAA prevention efforts.

The 1972 amendments to the Juvenile Delinquency Act constituted an attempt to define the roles of HEW and LEAA in delinquency programming by specifically delineating HEW's role.[45] Some members of Congress saw LEAA as involved only in those areas of prevention encompassed by the criminal justice system, while they saw HEW as covering presystem programs, especially those operating in concert with the schools.

There is little doubt that the congressional framers of the Juvenile Delinquency Act and the congressional critics of LEAA have in mind a definite division in functions between the two agencies. Even so, the limitation on LEAA's authority that would result from this division is not warranted either by the language or legislative history of Title I.

Yet, considering all of these difficulties, good management and planning dictate that duplication in effort without increased dividends is not desirable. Duplication alone, however, may not be undesirable if the expected return is valuable, and if any one agency cannot sufficiently impact the area to produce the return. Basically, what is needed is not a division of labor or a jurisdictional stand-off, but a cooperative effort to achieve the specified goals. If one agency can more effectively treat an area than another agency, then it benefits all for the first agency to apply its expertise to that area. If, however, there are occasions for overlap, because such overlap has been deemed necessary to achieve a common desired goal, like the prevention of delinquency, then such overlap, if based on sound planning may not be so abhorrent.

With such a broad legislative mandate, LEAA must be and is in the process of designing guidelines, standards, and planning mechanisms which hopefully will impact delinquency without engaging itself or encouraging its grantees to engage in wasteful duplication, while still being able to fund whatever the State and local authorities find necessary to improve their system and reduce crime.

Prevention: The State of the Art

Much confusion about the kinds of delinquency prevention programs LEAA can and should fund stems from the fact that the state of the art of prevention is underdeveloped.

Legally, juvenile delinquency can consist of two things. It can be the violation of a criminal statute for which adults are also prosecuted.[46] Uniquely, however, it can also be the violation of certain behavioral prescriptions which apply only to children—that is, the status offenses.[47]

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[40] Senate Committee on the Judiciary, The Juvenile Delinquency Prevention and Control Act Amendments of 1972, S. Rep. No. 92-867, 92d Cong., 2d Sess., 6 (1972).

[41] Juvenile Delinquency Prevention and Control Act Amendments of 1971, P. L. 92-31.

[42] Jerris Leonard and Thomas Madden, *The Role of the Federal Government in the Development of Juvenile Delinquency Policy*, ALA L. R. (1972).

[43] Juvenile Delinquency Prevention Act, P. L. 92-381; 86 Stat. 532 (August 14, 1972).

[44] P. L. 92-381, *supra*, § 101, Statement of Purpose.

[45] "The bill also attempts to sort out the typical administrative mess of such programs by limiting the use of funds to projects outside the traditional court system, leaving that area to the Justice Department, which administers the Omnibus Crime Control and Safe Streets Act." 118 Cong. Rec. H6546 (daily ed., July 17, 1972). Remarks by Congressman Harrington.

[46] See D. C. Code, § 16-2301(6), (7):

"(6) The term 'delinquent child' means a child who has committed a delinquent act and is in need of care or rehabilitation.

There are arguments for questioning the soundness of status offense legislation.[48] Some of these arguments are legally based and have constitutional implications.[49] Some are practical and sociologically based.[50] As far as LEAA is concerned, however, the status offenses are simply offenses for which children are adjudicated and detained as delinquents. All of these youths enter the system much as a criminal law violator does; unfortunately, they probably leave the system much as a criminal law violator does, as well.

LEAA's legislative goal is to reduce crime, and status offenders are not often thought to be engaged in crime, or at least not the type of crime that " . . . threatens the peace, security, and general welfare of the Nation and its citizens." [51] It might be said, therefore, that LEAA funds should not be expended in the prevention of youth deviancy culminating in status offenses such as truancy, waywardness, or failing to obey the reasonable commands of a parent.

To take such a position, however, denies reality. Whether criminal or not, these youthful offenders are treated as criminals and their respective jurisdictions have designated them as law violators. It seems reasonable that jurisdictions should be able to dedicate money and efforts toward diverting all youthful offenders. Any success in diverting these juveniles from the criminal justice system can be viewed as crime prevention; experience has proven that a large percentage of correctional system service recipients will return.[52] These juveniles would be better serviced by some other community agency without exposing them to the stigma and harshness of the criminal justice system.

If it is legitimate to use LEAA funds for juvenile delinquency prevention programs at all, therefore, it should be sound policy to extend such programs to include youths caught up in status offense violations.

With juvenile delinquency thus defined, it is appropriate to discuss the state of the art of juvenile delinquency prevention.

Crime prevention is a socially attractive goal, yet little is known about what it entails. There is still debate on whether crime can even be prevented.[53] As Peter Lejins points out, society is dealing here with something moralistically desirable, politically ripe, and scientifically undeveloped.[54]

"(7) The term 'delinquent act' means an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen."

See also California Welfare and Institutions Code, § 602.

See also The President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime*, 25-26 (1967) [hereinafter Task Force].

[47] See D. C. Code, § 16-2301(8) (1971):

"(8) The term 'child in need of supervision' means a child who—

(A) (i) is subject to compulsory school attendance and habitually is truant from school without justification;

(ii) has committed an offense committable only by children; or

(iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and

(B) is in need of care or rehabilitation."

See also, Task Force, *supra*, at 23, and California Welfare and Institutions Code, § 601.

[48] See Edwin M. Lemert, *The Juvenile Court—Quest and Realities*, Task Force Report, *supra*, at 99 and 100 where Mr. Lemert points out that status offenders statutes risk the making of juvenile delinquents through the labeling process. These statutes also invite the use of the court to resolve conflicts that are not ordinarily handled in the criminal justice system. Also see Edwin M. Lemert, *Instead of Court, Diversion in Juvenile Justice*, National Clearinghouse 91 (1971), where Mr. Lemert calls for the annihilation of special classes of children's offenses.

[49] See *E.S.G. v. State*, 447 S. W. 2d 225 (Tex. App. 1969), and *Smith v. State*, 444 S. W. 2d 941 (Tex. App. 1969).

[50] Stigma is always a problem when anyone enters the criminal justice system but is an unjustified problem when children by legislative definition are stigmatized without even having engaged in criminal conduct.

[51] Title I, *supra*, Congressional Findings section.

[52] See generally McKay, Report on the Criminal Careers of Male Delinquents in Chicago, Task Force Report, *supra*, at 107. In recognition of the recidivism problem the Congress placed special emphasis on upgrading the correctional system when it passed the 1971 amendments, P. L. 91-644, *supra*.

Congressman Nedzi, in support of these amendments, stated, "The youth offender constitutes the largest and most virulent portion of the danger on the streets of our cities. His recidivism rates are enormously high.

"We simply must get them off the streets, then do a better job of saving them once they are off the streets." Cong. Rec. H6207 (daily ed., June 30, 1970).

[53] Harlow, Prevention of Crime and Delinquency, A Review of the Literature, citing Durkheim, The Rules of the Sociological Method (1938), in 1 National Council on Crime and Delinquency, *Information Review on Crime and Delinquency* 2 (1969).

[54] The field of prevention is by far the least developed area of criminology: Current popular views are naive, vague, mostly erroneous, and for the most part devoid of any awareness of research findings; there is a demand for action on the basis of general moralistic beliefs, discarded

There is a diversity of opinion among the social scientists about what direction prevention must take to be successful. One position, supported by the President's Commission on Law Enforcement and Administration of Justice in 1967, is that juvenile delinquency and youth crime are symptoms of a community's failure to provide services for itself.[55] The recommended response to this problem is to engage in comprehensive programing tending to upgrade the community services in hopes that the delinquency problem would also be solved.[56] The Commission recommended that three areas be considered: employment, education, and community services. The Commission advocated an " . . . opportunity to develop the necessary abilities and skills to participate meaningfully in society, and thereby to gain a sense of personal dignity and competence." [57]

Other theories stress the importance of addressing specifically identifiable areas of youth crime and delinquency, such as auto theft and burglary.[58] Supporters of these theories are skeptical that comprehensive programing can be implemented successfully in "the face of high mobility and social change in the inner city area." [59] They are concerned that the target population will be missed completely or that other variables will intercede and preclude successful prevention.[60]

One analysis of the varied concepts of prevention is provided by Peter Lejins in The Field of Prevention.[61] He identifies three kinds of prevention: punitive, corrective, and mechanical.

The theory behind punitive prevention is deterrence; forestalling delinquency by threatening punishment. This can be broken down into special and general prevention. Special prevention seeks to deter further criminal conduct by punishing the offender for past conduct. General prevention relies on vicarious punishment; it seeks to deter the individual by assuring the punishment of others who commit crime.[62]

The second type of prevention is corrective prevention. "Here prevention is based on the assumption that criminal behavior, just as any other human behavior, has its causes, is influenced by certain factors and is the result of a certain motivation . . . " [63] These prevention efforts concentrate on attacking causes, factors, or motivations before delinquency occurs.[64] This is the type of prevention most commonly advocated today even though its successful implementation is still primitive.

The third type of prevention is mechanical. This involves placing obstacles so that delinquent activity cannot be successfully performed. There is no attempt to affect personalities, motivations, or community deficiencies. The emphasis is on such things as increased police protection and better security devices. Crime is prevented by making criminal conduct more difficult.[65]

The two types of prevention most often funded by the States with LEAA funds are the latter two. Punitive prevention is legislative in nature and not of the type generally envisioned by Title I. Corrective prevention is perhaps the more popular. Mechanical prevention is an area in which LEAA funds are employed enthusiastically. Improved crime detection, police surveillance, high intensity lighting, and public security systems are apt subjects of LEAA funding.

The majority of delinquency prevention work is being done in the areas of symptom detection and treatment and of servicing high crime areas. The potentials for involvement are vast. Assuming that it is possible to identify characteristics common to delinquents by determining the common characteristics of youths who have already come into contact with the criminal justice system, it must still be decided if there is a reasonable correlation between these characteristics and antisocial behavior and what can be done to correct negative characteristics so that juveniles not yet within the system can be kept out of it. It must also be determined whether the program has achieved a reduction in delinquency.

The Task Force report on Youth Crime and Delinquency reinforces the pervasiveness of prevention with its recommendations for improvements in such institutions as the family, the community, the school, and the job,[66] especially in the

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criminological theories of bygone days, and other equally invalid opinions and reasons. In scientific and professional circles the subject of prevention has received remarkably little serious attention. There has been very little theory-building, and attempted research under such circumstances has failed to produce any significant result." Lejins. The Field of Prevention, *supra* at 1-2.

[55] Wheeler, Cottrell, and Romasco, Juvenile Delinquency—Its Prevention and Control in Delinquency and Social Policy 428 (Peter Lejins ed. 1970).

[56] *Id.*

[57] *Id.* at 429.

[58] *Id.* at 430.

[59] *Id.* at 431.

[60] *Id.*

[61] Lejins, The Field of Prevention, *supra*.

[62] *Id.* at 3.

[63] *Id.* at 4.

[64] *Id.*

[65] *Id.* at 5.

[66] Task Force, *supra*, 41-56.

inner city areas where the crime rate is high. This is Lejins' idea of corrective prevention at work. Most of the States with which LEAA works share this idea of prevention. Thus, LEAA as a matter of practical policy must establish how involved it can or should become in education, employment, family, and community services.

LEAA recognizes the elusive nature of prevention, especially corrective prevention, and the necessity for investment in this area. The goal is the reduction of crime. It is not the improvement of the Nation's education system, employment opportunities, or standard of living. If involvement in these areas can impact directly on crime and delinquency, then LEAA can allow its grantees to invest in this type of program. The key is the impact on delinquency either hypothetical—if previously untested—or real.[47]

Developing New LEAA Guidelines

Regardless of the evident reluctance to fund prevention programs outside the system, an increasing number of States have requested authority to fund what they consider legitimate delinquency prevention programs which focus on youth and youth problems prior to any contact with the system. This coupled with congressional criticism has led to the drafting of what LEAA considers minimum standards on the eligibility of juvenile delinquency prevention programs for LEAA funding.

After breaking the area down into the levels already discussed, the agency decided that any type of program typology—that is, listing fundable programs, programs that might be obviously ineligible for funding, and programs that would fall in the middle depending upon the circumstances—was an undesirable strategy given LEAA's "special revenue sharing" nature. It also was an undesirable method because due the state of the art, it could be unnecessarily inhibiting; locking the States into programing which could become quickly outmoded. Rather than a list of "do's" and "don'ts," what was really needed was a process approach.

LEAA is now developing and trying to implement a planning process whereby the SPA's will learn to be able to identify their crime problem with greater accuracy, therefore enabling them to develop law enforcement and crime prevention projects which are specifically calculated to impact on the crime problem as it exists in their state.

This process is known as crime-specific planning. Its basic premise is that a planner should know the nature of his crime problem. Such things as the type of crime (burglary, rape, etc.), the victim (stranger to stranger, etc.), the frequency of occurrence, the time of occurrence, the criminal justice system response to the crime, the geographic area in which the crime is committed, and the characteristics of the offender must be documented before a criminal justice planner can adequately plan programs and projects of access needs and improvements in law enforcement and prevention.

Given this information, the planner can then make intelligent decisions as to the strategies required to combat crime. He can justify his decisions based upon his data and he can maximize his impact on the crime problem because he will know exactly what he is attacking and why, with some expectations as to the specific impact.

Since this process is aimed only at improving criminal justice planning and not at dictating specific program strategies, the "hands-off" character of LEAA's block grant approach is not jeopardized or undermined by Federal (LEAA) interference in State and local government programming decisions.

The appeal of this process approach as opposed to a program typology approach in the delinquency prevention area is obvious. As we have seen, juvenile delinquency is a multi-dimensional problem. There are many theories as to how to go about preventing delinquency, even though some of the theories are as of yet unproved. There are many agencies working in the general area of youth problems, therefore without definable parameters there is a great deal of potential overlap without a corresponding impact on crime. There is an obvious danger in locking the States into only certain approaches, not to mention the fact that such a static approach violates the spirit if not the letter of the block grant methodology. Therefore, the crime-specific planning approach is aptly suited to the needs of the SPA's in the area of juvenile delinquency prevention programming.

By implementing this planning process LEAA has drawn up tentative minimum standards for all LEAA grantees to help them in deciding whether their prevention programs and strategies are eligible for LEAA funding. The implementation of this process also assures LEAA and Congress that LEAA money is only being used for those prevention projects which are calculated to impact on delinquency. The key is the objective, "[t]o prevent crime and to insure the greater safety of the people . . . ."[88]

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[47] Congressman Smith aptly summed up the problem and articulated the need in his dialogue with Jerris Leonard in the 1973 House Appropriations Hearings: "It seems to me that this is where the weakness in the whole program is. We need money for law enforcement, but it's going to turn people off if you don't use it in a way that will do the most good." Hearings on 1973 Appropriations Before the Subcommittee on Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies of the House Committee on Appropriations, 92d Cong., 2d Sess., pt. 1, at 1126.

If prevention programs are reasonably premised upon preventing delinquency, based upon tangible data, and cost effectiveness analyses, then the program can hardly be questioned as being outside the purview of Title I. Such a process approach also allows the programming to progress with the progress in the state of the art of prevention.

It also allows States to progress with LEAA funding at a rate commensurate with their sophistication. It takes LEAA out of the position of overseeing the type of project or program proposed. If there are any doubts LEAA need only ask why and if crime-specific planning has been implemented the SPA should have no problem showing LEAA why.

The standards as proposed are as follows:

1. Juvenile delinquency prevention programs exclusively within the criminal justice system.

The following types of programs or projects are generally not considered problematical when funded by Part C action funds. It should be noted, however, that these programs are not always desirable in and of themselves, because all programs should be the result of careful, goal-oriented planning. Thus, any program which is implemented without addressing a need, or which is not able to meet or achieve the envisioned prevention goals, is not desirable from a practical planning standpoint, and it does not work to achieve the overall goal of LEAA to reduce crime.

Programs which are devised and operated to service youths who have already come into the system through arrest or complaint (these contacts are considered to be prior to petitioning or prior to the decision to hold over for judicial action) are obviously fundable under Part C or Part E in whole or in part depending upon the character of the recipient population. Therefore, it is considered that community services or institutional services to which juveniles are referred by the police (this may even encompass those referral services employed by individual policemen in jurisdictions where they have the discretion to dispose of a juvenile prior to formal police action), by youth service divisions of police, by other intake officers, social service officers within the system, probation officers, courts, parole, corrections and etc. This could include both mandatory and voluntary programs.

These programs are all considered programs well within the juvenile justice system and as long as they are reasonably designed to reduce delinquency or the recurrence of delinquency and/or to improve the criminal justice system, they are of the type of program envisioned by Congress as eligible for action grants.

2. Delinquency prevention programs outside the criminal justice system.*

For programs which are intended to deal with the is programs which are intended to deal with the prevention of delinquency as opposed to the treatment of juveniles already considered delinquent, the following crime-oriented planning methodology must be employed. This approach is particularly appropriate for determining the eligibility of programs geared toward servicing what are commonly considered high risk youth, or youth who, although not yet involved in the system, are for some well reasoned, researched and documented reason considered on the verge of entering the system.

Necessary elements for planning an eligible program outside the criminal justice system.

a. Crime or delinquency analysis—A State or local government must know how its delinquency problem manifests itself. It should know all characteristics of the problem it seeks to solve.

b. Quantified objectives—Ideally, program or project objectives should be stated in terms of the anticipated impact on crime during a specified period of time and by a measurable amount. If, during crime analysis, the case can be made to establish more immediate quantified objectives that are not stated in crime impact terms, such objectives are acceptable if they meet the following criteria:

(1) The sequential relationship between attaining the short-range objective and crime reduction is established.

(2) The significance—when compared to other possible causative factors—of the behavioral or procedural circumstance to be impacted upon must be documented (e.g., truancy or narcotics use or court delay).

c. Adequate data—Determining the adequacy of data will always be subjective, but the following list of questions will suggest the range and volume of data necessary for good program development:

(1) Have you documented the juvenile crime problem in your jurisdiction by the type of crime?

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[88] Title I, *supra*, Congressional Findings section.

* Part C funds only may be used for these programs. Part E funds are bound by the additional requirement of use only within the criminal justice system.

(2) For each priority offense, what can you say about the event, the target or victim, the offender, and the criminal justice response to the event?

(3) Does the data support the program alternative when compared against other programs that have different short-range objectives as well as programs that have similar objectives?

(4) Is the program cost effective?

(5) Can the program be effectively evaluated?

d. Maintenance of supporting data—Supporting documentation should be on file at the SPA for LEAA monitoring or audit.

As a rule, if current data is inadequate or unavailable, the program should include a component that is designed to supply relevant usable data.

The key to this planning approach is two-fold. At all times the planner should be goal or objective oriented. These questions must always be asked and answered: Will this program impact on our delinquency problem? Why do we believe it will achieve this goal? In order to answer these questions the planner must know his problem and the reason for his chosen solution.

Since much confusion currently exists concerning the eligibility or appropriateness of LEAA funding juvenile delinquency prevention efforts that are ordinarily undertaken by agencies which lie outside of the criminal justice system, it is important that the cited crime-specific planning approach be faithfully implemented. The field of delinquency prevention is still new and sometimes still experimental, therefore any programming or funding decision which is based on less information than outlined above comes periliously close to an unauthorized diffusion of LEAA funds without any significant return in terms of improving law enforcement or reducing crime and delinquency, which is the goal for which LEAA money is appropriated.

Another factor which is not to be slighted is the need for coordination. Delinquency prevention is not an effort which can be successfully implemented with the money of any one agency or State. The delinquency prevention effort is broad and by necessity is the subject of many Federal and State agency funded programs. LEAA money alone cannot sufficiently solve the problem of delinquency, therefore all criminal justice planners should be cognizant of other funding and expertise potentials. LEAA grantees should make a concerted effort to seek funds from those other agencies whose normal scope of activities encompass areas which may be the focus of delinquency prevention programs.

In this way the delinquency prevention effort benefits from the increased source of funds, the wide variety of experts, and the comprehensive impact. The most obvious example of this cooperative need is in the area of education. The potentialities for delinquency prevention programs in the schools are vast. HEW is the Federal expert in education, and HEW also has its own delinquency prevention authority, therefore programming involving education must be coordinated with HEW. Absence of such coordination jeopardizes additional fund sources and expert insights unique to other agencies.

3. Innovative delinquency prevention programming.*

This final category is intended to recognize the need for new untried approaches to delinquency prevention. Since the whole area of crime and delinquency causation and prevention is still developing there are necessarily programs and approaches designed by sophisticated criminal justice planners which may be so novel as to be dubiously eligible for funding by LEAA because of their apparent remoteness to the actual incidents of crime.

So as not to completely preclude the innovative initiation and implementation of programs which seek to reduce delinquency through treating symptoms of delinquency or characteristics of delinquents in youth who are not yet even considered high risk youth, such programs can be conceivably funded with LEAA money provided the following criteria are met:

a. All of the planning and data requirements of section 2 must be met.

b. The reduction of delinquency must be the goal and there must be a reasonable basis supported by documented data for the cause and effect relationship between the goal and the program.

c. There must be an extensive evaluation of the alternative programs along with a justification for the one chosen.

d. The program must be coordinated with other funding agencies which might also have cognizance of the program area.

e. There must be a cost effectiveness analysis.

f. The funding request should be approved by an affirmative vote of a majority of the SPA supervisory-board, so that the individual States have the responsibility of determining whether the program complies with the criteria envisioned in crime-specific planning.

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* Part C funds only may be used for these programs. Part E funds are bound by the additional requirement of use only within the criminal justice system.

g. The supporting justifications must be maintained on file with the SPA for monitoring or audit by LEAA.

Conclusion

Through crime-specific planning LEAA can effectively assure that those delinquency prevention programs which are funded under Title I will indeed impact the rate of youth crime. Even though there is some possibility that activities outside the juvenile justice system can be funded under this planning process, the goal of LEAA, fighting crime, will still be realized.

The minimum standards outlined by this agency stress that the problem of youth crime is not one which any one agency, State, or locality can combat alone. A comprehensive effort is necessary, therefore, LEAA grantees are compelled to seek out assistance, both monetary and technical from other agencies which are experts in the fields of employment, education, housing, recreation, and so forth.

LEAA must work to prevent juvenile delinquency within the parameters of the block grant concept and Title I. But that is not to say that this agency will be blind to the changing state of the art. Fighting crime is LEAA's mandate, therefore:

> LEAA's job is to impact immediately on crime itself. LEAA is not in the business, it is not charged with by Congress, and it wasn't established for the purpose of dealing with root causes.
>
> That does not mean that we're not concerned about them because we, in the criminal justice system, like everybody else, recognize that the criminal justice system deals with somebody else's failures. So we are interested in what the educational community and the welfare community, the entire social spectrum, are doing in the root cause area.[illegible]

[illegible] Jerris Leonard at a press conference in Portland, Oreg., June 19, 1972.

APPENDIX B

RECOMMENDATIONS:
COMMUNITY CRIME PREVENTION

Recommendation 4.10: Drug Abuse Prevention Programing

The Commission recommends for drug abuse prevention the following:

1. The roles of educating and informing youth about drugs should be assumed by parents and teachers in the early stages of a child's life. It is from these sources that a child should first learn about drugs. Information should be presented without scare techniques or undue emphasis on the authoritarian approach. Parental efforts at drug education should be encouraged before a child enters school and teachers should receive special training in drug prevention education techniques.

2. Peer group influence and leadership also should be part of drug prevention efforts. Such influence could come from youth who have tried drugs and stopped; these youth have the credibility that comes from firsthand experience. They first must be trained to insure that they do not distort their educational efforts toward youth by issuing the kind of double messages described previously.

3. Professional organizations of pharmacists and physicians should educate patients and the general public on drug abuse prevention efforts and should encourage responsible use of drugs. The educational efforts of these organizations should be encouraged to include factual, timely information on current trends in the abuse of drugs and prescription substances.

4. Materials on preventing drug abuse should focus not only on drugs and their effects but also on the person involved in such abuse. That person, particularly a young one, should be helped to develop problem-solving skills.

5. Young people should be provided with alternatives to drugs. The more active and demanding an alternative, the more likely it is to interfere with the drug abuser's lifestyle. Among such activities are sports, directed play activities, skill training, and hobbies, where there is the possibility of continued improvement in performance.

Recommendation 5.1: Expansion of Job Opportunities for Youth

The Commission recommends that employers and unions institute or accelerate efforts to expand job or membership opportunities to economically and educationally disadvantaged youth, especially lower income minority group members. These efforts should include the elimination of arbitrary personnel selection criteria and exclusionary policies based on such factors as minimum age requirements and bonding procedures.

Employers and unions should also support actions to remove unnecessary or outdated State and Federal labor restrictions on employing young people. Finally, employers should institute or expand training programs to sensitize management and supervisors to the special problems young people may bring to their jobs.

Recommendation 5.2: After-School and Summer Employment

The Commission recommends that each community broaden its after-school and summer employment programs for youth, including the 14- and 15-year-olds who may have been excluded from such programs in the past. These programs may be sponsored by governmental or private groups, but should include such elements as recruitment from a variety of community resources, selection on the basis of economic need, and a sufficient reservoir of job possibilities. The youth involved should have the benefit of an adequate orientation period with pay, and an equitable wage.

Local child labor regulations must be changed wherever possible to broaden employment opportunities for youth. Nonhazardous jobs with real career potential should be the goal of any legislation in this area.

Recommendation 5.3: Pretrial Intervention Programs

The Commission recommends that community-based, pretrial intervention programs offering manpower and related supportive services be established in all court jurisdictions. Such programs should be based on an arrangement between prosecutors or courts and offenders, and both should decide admission criteria and program goals. Intervention efforts should incorporate a flexible continuance period of at least 90 days, during which the individual would participate in a tailored job training program. Satisfactory performance in that training program would result in job placement and dismissal of charges, with arrest records maintained only for official purposes and not for dissemination.

Other program elements should include a wide range of community services to deal with any major needs of the participant. Legal, medical, housing, counseling, or emergency financial support should be readily available. In addition, ex-offenders should be trained to work with participants in this program, and court personnel should be well informed about the purpose and methods of pretrial intervention. (See the Commission's Report on Courts for a detailed discussion of this issue.)

Recommendation 6.1: The Home As A Learning Environment

The Commission recommends that educational authorities propose and adopt experimental and pilot projects to encourage selected neighborhood parents to become trained, qualified, and employed as teachers in the home.

A variety of methods and procedures could be adopted to attain this goal, Among these are the following:

1. Legislation to enable the establishment and continuation of home environment education as a permanent accessory to existing educational systems.
2. Programs designed to determine the most effective utilization of parents in educational projects in the home setting. A logical departure point for such projects would be to increase the level of active involvement of selected neighborhood parents in formal school operations. A carefully designed program of this sort would also benefit preschool children in the home.
3. The development of short-term and follow-through programs by teacher-training institutions to prepare parents for instructing their children.
4. The joint development by parents and school staffs of techniques and methods for using the home as a learning environment.
5. School district and State educational programs to train parents to use situations and materials in the home as a means of reinforcing the efforts of formal schooling.
6. Provision of instructional materials by school districts for use in home-teaching programs.
7. The expansion of programs to train and use parents as aides, assistants, and tutors in regular school classrooms.

Recommendation 6.2: The School as a Model of Justice

The Commission recommends that school authorities adopt policies and practices to insure that schools and classrooms reflect the best examples of justice and democracy in their organization and operation, and in the rules and regulations governing student conduct.

Recommendation 6.3: Literacy

The Commission recommends that by 1982, all elementary schools institute programs guaranteeing that every student who does not have a severe mental, emotional, or physical handicap will have acquired functional literacy in English before leaving elementary school (usually grade 6), and that special literacy programs will be provided for those handicapped individuals who cannot succeed in the regular program.

A variety of methods and procedures could be established to meet this goal. Such methods and procedures could include the following:

1. Training of teachers in methods and techniques demonstrated as successful in exemplary

programs involving students with low literacy prognosis;

2. Training and employment of parents and other community persons as aides, assistants, and tutors in elementary school classrooms;

3. Replacement of subjective grading systems by objective systems of self-evaluation for teachers and objective measures of methods and strategies used;

4. Provision of privately contracted tutorial assistance for handicapped or otherwise disadvantaged students;

5. Redistribution of resources to support greater input in the earlier years of young people's education; and

6. Decentralized control of district finances to provide certain discretionary funds to site principals and neighborhood parent advisory committees for programs directed to the special needs of the students.

Recommendation 6.4: Improving Language Skills

The Commission recommends that schools provide special services to students who come from environments in which English is not the dominant language, or who use a language in which marked dialectal differences from the prevailing version of the English language represent an impediment to effective learning.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Bilingual instructors, aides, assistants, and other school employees;

2. Instruction in both English and the second language;

3. Active recognition of the customs and traditions of all cultures represented at the school;

4. Hiring school staff from all racial, ethnic, and cultural backgrounds; and

5. Special efforts to involve parents of students with bicultural backgrounds.

Recommendation 6.5: Reality-Based Curricula

The Commission recommends that schools develop programs that give meaning and relevance to otherwise abstract subject matter, through a teaching/learning process that would simultaneously insure career preparation for every student in either an entry level job or an advanced program of studies, regardless of the time he leaves the formal school setting.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Adoption of the basic concepts, philosophy, and components of career education, as proposed by the Office of Education;

2. Use of the microsociety model in the middle grades. Where this model is adopted, it will be important to realize that its central purpose is to create a climate in which learning is enhanced by underlining its relevance to the larger society outside the school;

3. Awareness, through experiences, observations, and study in grades kindergarten through 6, of the total range of occupations and careers;

4. Exploration of selected occupational clusters in the junior high school;

5. Specialization in a single career cluster or a single occupation during the 10th and 11th grades;

6. Guarantee of preparation for placement in entry-level occupation or continued preparation for a higher level of career placement, at any time the student chooses to leave the regular school setting after age 16;

7. Use of community business, industrial, and professional facilities as well as the regular school for career education purposes;

8. Provision of work-study programs, internships, and on-the-job training;

9. Enrichment of related academic instruction—communication, the arts, math, and science—through its relevance to career exploration; and

10. Acceptance of responsibility by the school for students after they leave, to assist them in the next move upward, or to reenroll them for more preparation.

Recommendation 6.6: Supportive Services

The Commission recommends that the schools provide programs for more effective supportive services—health, legal placement, counseling, and guidance—to facilitate the positive growth and development of students.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Greater emphasis on counseling and human development services in the primary and middle grades;
2. Personnel who understand the needs and problems of students, including minority and disadvantaged students;
3. An advocate for students in all situations where legitimate rights are threatened and genuine needs are not being met;
4. The legal means whereby personnel who are otherwise qualified but lack official credentials or licenses may be employed as human development specialists, counselors, and advocates with school children of all ages; and
5. Coordination of delivery of all child services in a locality through a school facilitator.

Recommendation 6.7: Alternative Educational Experiences

The Commission recommends that schools provide alternative programs of education. These programs should be based on:

1. An acknowledgment that a considerable number of students do not learn in ways or through experiences that are suitable for the majority of individuals.
2. A recognition that services previously provided through the criminal justice system for students considered errant or uneducable should be returned to the schools as an educational responsibility.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

- a. Early identification of those students for whom all or parts of the regular school program are inappropriate; and
- b. Design of alternative experiences that are compatible with the individual learning objectives of each student identified as a potential client for these services, including:
  - (1) Shortening the program through high school to 11 years;
  - (2) Recasting the administrative format, organization, rules of operation, and governance of the 10th and 11th grades to approximate the operation of junior colleges;
  - (3) Crisis intervention centers to head off potential involvement of students with the law;
  - (4) Juvenile delinquency prevention and dropout prevention programs;
  - (5) Private performance contracts to educational firms; and
  - (6) Use of State-owned facilities and resources to substitute for regular school settings.

Recommendation 6.8: Use of School Facilities for Community Programs

The Commission recommends that school facilities be made available to the entire community as centers for human resource and adult education programs.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Scheduling of facilities on a 12-month, 7-day-a-week basis;
2. Elimination or amendment of archaic statutory or other legal prohibitions regarding use of school facilities; and
3. Extended use of cafeteria, libraries, vehicles, equipment, and buildings by parents, community groups, and agencies.

Recommendation 6.9: Teacher Training, Certification, and Accountability

The Commission recommends that school authorities take affirmative action to achieve more realistic training and retention policies for the professionals and paraprofessionals they employ.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Teacher training based on building competency through experience;
2. Latitude for districts to base certified employment on the basis of performance criteria alone;
3. Inservice training of professional staff to include specific understanding of district, program, and community goals and objectives; and
4. Latitude for districts to hire other professionals and paraprofessionals on bases of competency to perform specialized tasks, including the teaching of subject matters.

Recommendation 7.1: Use of Recreation to Prevent Delinquency

This Commission recommends that recreation be recognized as an integral part of an intervention strategy aimed at preventing delinquency; it should not be relegated to a peripheral role.

1. Recreation programs should be created or expanded to serve the total youth community, with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunities, and strong social pressures to participate in gang behavior.
2. Activities that involve risk-taking and excitement and have particular appeal to youth should be a recognized part of any program that attempts to reach and involve young people.
3. Municipal recreation programs should assume responsibility for all youth in the community, emphasizing outreach services involving roving recreation workers in order to recruit youths who might otherwise not be reached and for whom recreation opportunities may provide a deterrent to delinquency.
4. New mechanisms for tolerance of disruptive behavior should be added to existing recreation programs and activities so as not to exclude and label youths who exhibit disruptive behavior.
5. Counseling services should be made available, either as part of the recreation program or on a referral basis to allied agencies in the community, for youths who require additional attention.
6. Recreation programs should allow participants to decide what type of recreation they desire.
7. Recreation as a prevention strategy should involve more than giving youth something to do; it should provide job training and placement, education, and other services.
8. Individual needs rather than mass group programs should be considered in recreation planning.
9. Communities should be encouraged, through special funding, to develop their own recreation programs with appropriate guidance from recreational advisers.
10. Personnel selected as recreation leaders should have intelligent and realistic points of view concerning the goals of recreation and its potential to help socialize youth and prevent delinquency.
11. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.
12. Decisionmaking, planning, and organization for recreation services should be shared with those for whom the programs are intended.
13. Continual evaluation to determine whether youth are being diverted from delinquent acts should be a part of all recreation programs.
14. Parents should be encouraged to participate in leisure activities with their children.
15. Maximum use should be made of existing recreational facilities—in the afternoons and evenings, on weekends, and throughout the summer. Where existing recreational facilities are inadequate, other community agencies should be encouraged to provide facilities at minimal cost, or at no cost where feasible.

Recommendation 9.5: Auto Theft Prevention Programs and Legislation

The Commission recommends that States enact legislation to require:

- Assigning of permanent State motor vehicle registration numbers to all motor vehicles;
- Issuing of permanent license plates for all vehicles that will remain in service for a number of years; and
- Affixing of more identifying numbers on automobiles to curb the automobile stripping racket.

Mr. WORK. These are the two written products of our efforts so far at the Juvenile Delinquency Council.

My testimony I believe outlines adequately the contribution that LEAA had made to this field over a period of years of its existence.

There are just a number of things that, if I may, I would highlight. LEAA has at the State level particularly pioneered the development of youth service bureaus. LEAA has devoted considerable State resources. State funds, to the block grant process to allocating resources generally as they have pertained to the juvenile delinquency area.

I wish to speak particularly to a recent effort with respect to juvenile justice standards. I would like to submit the final report of the planning phase of our juvenile justice standards project for the committee's consideration and for the planning and designing for juvenile justice in the area of both facilities and in the area of general juvenile justice planning. I would like to submit this volume for the consideration of the committee.

Finally, with respect to our recent efforts I would like to speak just briefly about a very important project we have undertaken with discretionary funds in the city of Compton, Calif.

This is truly in our minds representative of this new stance that LEAA hopes to take nationally. We have put into the city of Compton, and it began this very week, a diagnostic team. Some of you may be familiar with the very serious crime and juvenile delinquency problem in the city of Compton. Some of you may know that the unemployment figure in the city of Compton is 11 percent. The average age in the city of Compton is 19 years of age.

I am sure you have also heard that the part 1 crime rate in the city of Compton is among the highest in the entire Nation.

It was our judgment that if we were to go out and take a very serious crime problem and look at it sincerely and work with local officials to try to put to work this coordination theory that we have been trying to develop because as I think the committee has emphasized and well recognized, this is what this program is about. It is not only a problem of commiting more resources to the area which in fact LEAA has done and will continue to do. It is also a problem of coordination at the State, Federal, and local level.

This is indeed the third and the most important point that I wish to make today. This is, we have to be extraordinarily thoughtful about how we are going to develop these coordination mechanisms not only at the Federal level but also at the State and local level.

I think that the real genius of the LEAA legislation is that it has required, mandated, that those involved in the State and local criminal justice system sit down around the same table and begin to talk to one another.

I believe that what we have had in the past is not only a fragmented system with respect to all of human resources delivery but also a fragmented system with respect to just the criminal justice community itself.

Now LEAA has begun to cure that problem. I myself have come to LEAA only recently from the front line of the criminal justice system. I myself have witnessed the improvement that sitting around this table and even fighting about these funds has brought to the planning conscience.

Now we ask you not to consider lightly taking the pot of money or funding another pot of money that is concerned exclusively with juvenile justice and juvenile delinquency because what I am afraid of is that if you do that is that those people who are concerned about this very important asepct of crime will get up from the table and leave the room and the planning process will be gone.

Congress must address itself to this question of how do we do this coordination. I admit that we must make an effort to bring more people concerned with the juvenile delinquency problem to this table where we all are talking about crime, that we have a cell mechanism.

We have made some small progress that human resource agencies have not yet made. That is, we have at the State and regional level gotten these people to sit down around the same table. That is a truly remarkable feat.

I sat at that level on a State planning agency. I saw that mechanism. It was hot and heavy. But I saw the mechanism begin to work.

I don't mean that all the people that were concerned about health and welfare and education and other problems that bear upon that were at that table. Maybe they should be.

But if you move it all out and put it at their table then we are just as fragmented as we are now or as we were before.

What we have to address is the occordinated delivery process.

One final word about commitment. We are deeply committed at LEAA to doing more about juvenile delinquency prevention, doing more about juvenile justice. We will continue to be deeply committed to that. We will continue to have juvenile justice and juvenile delinquency as a major national priority. We will continue to want to have everyone concerned with this problem at the juvenile level as part of our very important planning processes.

I would urge you to not feel however that we think that we can do it all by ourselves. Our commitment is not enough to carry the ball entirely on this problem. Our resources, as the Senator has said, aren't even enough to carry the ball entirely on this problem. But we have a small key to it.

We have made some small progress because we have a particular spirit and we have a particular theory behind the obligation of our funds. That particular theory has not gotten enough attention in these hearings. It has not gotten enough attention, in fact, nationally.

But I believe it is this theory as well as the commitment that is going to make a difference in the long run with respect to the delivery of services in this area.

I want to thank the committee for giving me this opportunity to appear here today. We at LEAA believe that there is a very important problem here. We believe that airing it in this type of forum is the only way that these types of problems will be solved.

Thank you very much.

Mr. HAWKINS. Thank you very much, Mr. Work.

Is it correct that the figures I have with respect to the amount of money which you have distributed to State planning councils on a block grant basis, is approximately $772 million for 1973?

Mr. Work. No, that is not correct, Mr. Chairman. For 1972, which is the last year that our total funds have been completely calculated for, for 1972 the total expenditure in the pure juvenile delinquency area, if you will, is $140 million or 21 percent.

Mr. Hawkins. This is the total amount which was spent under State plans but not specifically for juveniles.

Mr. Work. I am sorry, Mr. Congressman.

Mr. Hawkins. Do you have the total amount?

Mr. Work. Approximately $800 million.

Mr. Hawkins. Approximately $800 million?

Mr. Work. That is right.

Mr. Hawkins. Above that amount how much was specifically directed toward juveniles?

Mr. Work. $140. Mr. Chairman.

Mr. Hawkins. $140 million?

Mr. Work. Approximately 21 percent. That is an increase over the prior year from 14 percent. We are indeed hoping that it will continue to increase. Let me explain the dynamics of that a little bit.

Mr. Hawkins. I want to make sure that you have explained how much you have spent on juveniles. Is that true? Only 21 percent of that amount was spent on juveniles?

Mr. Wise. Mr. Chairman, that is correct in terms of the amount that is exclusively devoted to juveniles.

Mr. Hawkins. That is all that I am asking really.

Mr. Work. There are obviously other areas on which we spend money which overlap into the juvenile area.

Mr. Hawkins. I realize that. Things overlap both ways, don't they?

Mr. Work. Yes, indeed, they do. They overlap in areas other than juveniles.

Mr. Hawkins. The essence of what I am trying to reach is, in what way was a percentage arrived at? I am not trying to get the explanation of it, although this might appear inadequate or small. Also, who determines the amount which is spent toward juveniles? How was that decision made?

Mr. Work. As you are aware, Mr. Chairman, the amount that is determined at the block grant level is done according to a State plan that they submit to us from the States for our approval. We have never mandated any particular percentage although the 1973 act reenacting our program does mandate that we increase the attention of the States on juvenile delinquency and we take that mandate quite seriously. We are in the process of making sure that that is done.

The individual percentage, it seems to me, must remain flexible to a degree. We have been firm in our support of the block grant notion which philosophically tries to keep everything as flexible as it possibly can.

Mr. Hawkins. Does it not seem a little unreasonable since the testimony is that juveniles commit 50 percent of the serious crimes and this percentage has been increasing that only about one-fifth of the amount spent under the money which you have allocated to the States goes to juvenile delinquency prevention?

Mr. Work. We feel that we must do more, as I indicated in my testimony, Mr. Chairman. But the dynamics of this are interesting. The dynamics are that the people interested in the juvenile field, just like the people who are interested in courts, just like the people who are interested in corrections, are beginning to get into this and finally are beginning to take part. Each one of those other segments, the percentage of our program has been increasing every single year. We are creating a balanced kind of system.

We are the first to admit that there was an inbalance in our system and our appropriations level to begin with, not entirely, if you will, the fault of the program or indeed of the conceptualization behind the program.

It is just that there were in the police world—there wasn't a police world of readiness to take advantage of the fact that grant fund were available. They knew what a grant was in the police world. Take the Los Angeles Police Department. There are 200 people in the Planning Division of the Los Angeles Police Department, grantsmen to a man.

Our agency has 750 employees. We have 20 people in our regional office in California. They outnumber us 10 to 1.

But what is happening in our program is that other people are taking part. Other people are coming on board.

What I am afraid of is if we give them another pot they are going to leave us.

In the District of Columbia a very interesting thing happened. I sat at the State planning agency board in the District of Columbia. Chief Wilson had from Congress all the money he needed. He didn't come to those meetings at the State planning agency level for the District of Columbia. He sent a captain. Do you have any idea how many captains there are in the Metropolitan Police Department in D.C.?

As a result our planning process lacked, really, input from the Police Department. But also as a result we had a heavy commitment in the State plan for the District of Columbia to juvenile justice, to juvenile delinquency. We worked very hard in those areas from the very beginning of the program.

It is part of that dynamic. We have a commitment to that dynamic at the State and local level and we must give that dynamic a chance.

Mr. HAWKINS. I am sorry. You lost me. I don't get your dynamic. What is it in the dynamic involved in that situation? What is the philosophy, the purpose, behind it when you have no particular role of leadership in the amount in which you distribute the money?

Mr. WORK. Let me correct that. We are committed and we are now exercising leadership role with our discretionary funds. You will see that in the people that we have hired and have brought on board in the juvenile justice area who will exercise that leverage.

Mr. HAWKINS. In other words you are going to tell the States what to do?

Mr. WORK. No.

Mr. HAWKINS. What are you going to do then?

Mr. WORK. We are encouraging them because of the mandate in our 1973 act that they develop a comprehensive approach to juvenile delinquency and justice problems in their plans. We will encourage that.

In addition we will use our discretionnary funds as leverage to try to help develop that.

But what I am trying to explain is an historical development, Congressman. The historical development is that the juvenile delinquency field, that the courts and corrections are really beginning to take part in our program. We think we are a young program. We think we ought to be given a chance to let them take part in this program because it is so fragmented, because it is so pulled apart. This is a vital and essential point. It goes to the essence of what it involved in our statute. It is at the heart of our statute, the State and local planning process. The heart of our statute is people sitting down and talking about the problems who have never talked to each other before. If you draw them with another source of money they won't come to the meetings.

Mr. HAWKINS. I haven't seen them turn down any source of money around here. Testimony before this subcommittee indicates that they are very anxious to get the additional money.

On page 16 of your testimony you say that H.R. 6265 "could divert and undermine the State efforts in this area."

Could you elaborate on that? I fail to see how.

Mr. WORK. That is what I have been talking about.

Mr. HAWKINS. That you could undermine the State efforts. It provides for a State planning agency which obviously each State would create. They would either create a new agency or use an existing one. That is clearly a matter of local decision to make.

Assuming that they use the existing one then obviously you would not have a second agency. You would have additional money to work specifically with this problem.

In what way would this undermine their efforts in this particular area?

Mr. WORK. If in fact the legislation as it comes out of Congress does use exactly the same State agency——

Mr. HAWKINS. No, it would not. That would be a local decision. We would not mandate that.

Mr. WORK. If in fact it even allows it to use exactly the same State agency when it comes out if there is a dispute whether it ought to be in the human resources area or whether it ought to be in a crime agency please let me make you understand that I understand it is a question of how do you put the coordination effort. But if it in fact allows the same State agency and if that in fact is what the States do and if in fact the same staff is provided and if in fact it is the same board, which I do not believe under these circumstances it is, then we do not have a serious State and local coordination problem. There would be a Federal coordination problem. These boards at the State and local level would have to deal with yet another Federal bureaucracy and Congress would have to fund yet another Federal bureaucracy. You would have to pay for the auditors. You would have to pay for the grants managers. You would lose a higher proportion of your funds in the filtering down process.

But if in fact it is exactly the samé coordination mechanism at the State and local level a substantial portion of my objections are alleviate.

Mr. Hawkins. I am not so sure that would be desirable. If no better progress is going to be made, then maybe we should change.

Would you be in favor of H.R. 6265 if it used the LEAA as its structure rather than the Department of HEW?

Mr. Work. Congressman, I think——

Mr. Hawkins. Would you recommend that?

Mr. Work. As in the corrections area we have recognized that perhaps a greater degree of attention ought to be paid to the juvenile delinquency area. It certainly would be preferable to us to have this placed within our mechanism, within the LEAA bailiwick, than to have it placed in yet another Federal agency and with certainly another State agency concerned with the distribution of the funds at the State and local level, yes, absolutely, we would prefer that.

But I also think that the block grant approach is worthy of a chance. It is amazing to see a couple of States, three or four States, really, coming alive under the block grant approach, really doing a bang-up job planning. I see over the 5 years that we have been in existence a widening chasm. Some States aren't doing very well at all. But some States are really taking a leadership role.

The block grant approach really is an experiment into governmental relations to try to attempt to put the problem down in the front line where it belongs and because of that, achieve long-term solutions.

I think that the block idea has not been given as full a chance as it ought to be given. We are a young agency. We have made some progress. These are tremendously difficult problems, as you well know.

Mr. Hawkins. I understand from your statement that you prefer H.R. 13737. Is that correct?

Mr. Work. Yes, that is correct, Mr. Chairman.

Mr. Hawkins. Despite the fact that this proposal places the administration in HEW rather than LEAA.

Mr. Work. That is a relatively limited mandate. It essentially reenacts the existing program at HEW.

Mr. Hawkins. It is less innocuous to you, then, because it is more limited. Is that it?

Mr. Work. I just don't think we are going to lose our people from our table because of the reenactment of that program.

Mr. Hawkins. Maybe you feel that way because the program is inadequate. Could that be true?

Mr. Work. What I am suggesting, Mr. Chairman, is that the essence of our problem is keeping everybody sharing this concern with delinquency talking to each other. If there is a great big pot of money so that they didn't need to come to the meeting then we don't think they would come.

Mr. Hawkins. Thank you.

Mrs. Chisholm.

Mrs. Chisholm. There are several things running through my mind. First of all, when you indicated a little bit earlier that the people connected with the juvenile delinquency situation are just beginning to become aware or beginning to move in terms of trying to receive grants, et cetera. I think that is why very specifically this legislation wants to make sure that whatever moneys are going to be utilized for this specific area are earmarked or categorized or any other name that you might desire to use because it is only recently that LEAA has begun to recognize that the juvenile delinquent problem is a very important problem. Even now only 25 percent of the funds are being utilized for this direction.

Wouldn't you say that it is important to have a categorical grant approach as contrasted to the block grant approach that you have been speaking about because of the lack of political or sophisticated clout on the part of those to be serviced. The fact of the matter is that the fire and the police run a very organized-and even in terms of general revenue sharing they have been getting the chief benefits to the exclusion of many other groups.

So therefore on the basis of social and economic patterns in our cities it would seem to me that categorical grants to be definitely specified by the Federal Government to take care of those who are the most needy and desirous of help on the basis of the record, it would seem that LEAA to me, that this is why we have to take this approach.

Would you refute or deny that?

Mr. Work. Obviously you put your finger on a crucial item. But I think that our experience in corrections is indicative of the fact that this can be handled without going to an exclusively and entirely categorical grant program. A formula was provided in the corrections area so that there would be a minimum amount there for corrections. If you brought out a formula there then you wouldn't lose the people who were coming to the table.

Mrs. Chisholm. Why do you keep saying that you are going to lose these people that are coming to the the table?

Why are you losing them, first of all?

Why would you be losing them if you have something to give or if you have something to iron out?

It seems to me their own maturity and their own basic concern about the issues will enable them to continue to come to the table. Why do you keep saying that?

Mr. Work. Let me take an example of any front-line criminal justice agency. Take any city. It really only has the resources, believe it or not, to handle so many grants. It is a time-consuming effort to handle grants. The people who get money from HEW this year think, "I am going to be able to do my new and innovative thing." They are not going to come. They are going to say, "Well, I have got this thing going from HEW in this city and that city and that city, places where the HEW executive office money goes." Those are the people who just aren't going to appear because they have got their new thing.

I have been a grantee. I know that when I am out there fighting for money I am much more concerned about what goes on in that meeting than I am when I am kind of fat and I don't have something up for consideration.

So I think because of that, that is the mentality of the grantee. Because he just can't swallow all he can swallow there will be people in some cities who just won't come who ought to come.

Mrs. CHISHOLM. What suggestions would you make in terms of legislation as to how we can protect the most powerless and helpless in this entire situation, the juveniles who have been just cast aside at the bottom of everybody's priorities because they are not a real power group in the sense of the word to be reckoned with in our country in terms of moneys and grants?

Mr. WORK. Two ways, Congresswoman. First of all, we are going to put discretionary money and top discretionary money on it. We regard that discretionary money as leverage money. It draws them along. We are going to do that.

No. 2, the formula approach is clearly a possibility and clearly more desirable to us than an entirely separate agency. By a formula approach you can accomplish that objective.

Mrs. CHISHOLM. No further questions.

Mr. HAWKINS. Mr. Steiger.

Mr. STEIGER. I am somewhat confused about an issue the chairman raised in that direction, somewhat subtly.

Mr. HAWKINS. You bring it out.

Mr. STEIGER. Somewhere along the way you got into a question that came out something like, "What percentage of the money is going into juvenile prevention?"

But would I be fair in characterizing LEAA's approach and the product of funds made available through LEAA as being significantly less related to juvenile prevention and far more related to what happens in the juvenile justice system?

Mr. WORK. In my testimony you will see the types of programs outlined category by category.

Mr. STEIGER. I see "Diversion," "Rehabilitation," "Upgrading Resources," "Drugs," and "Standards and Goals."

Mr. WORK. The statewide youth service bureau has to develop a comprehensive program on a statewide and local level so that all aspects—addressing this kind of problem, as you know, we were really the pioneers of the youth service bureau idea. It is commonly mentioned in our National Commission on Standards and Goals.

It is in my view one of the most exicting new ideas in the entire juvenile area.

The trouble I have with the prevention versus delinquency line is that to argue over that turf—and it really is just a turf argument—is counterproductive. We have urged at the staff level that the old distinction between prevention, if you will, and the juvenile justice system of prevention and delinquency that was attempted to divide the line between HEW's efforts and LEAA's efforts, be abolished.

We are proceeding with that basic notion in mind. In the Juvenile Delinquency Council the feeling we have is that as the years progressed and as our interest and our commitment to juvenile delinquency has increased we have gotten more and more into the prevention area. We feel if this is allowed to continue we will get more and more into the prevention area and this distinction will in fact become as meaningless to everyone here as it is presently to me.

Mr. STEIGER. In 1972 the figures you give us indicate that 15 percent of the 140 million went into prevention. Is that accurate?

Mr. WORK. That is correct.

Mr. STEIGER. And in 1973 the new act passed by the Congress broadened and somewhat more explicitly gave guidance to LEAA to deal with that?

Mr. WORK. The whole delinquency area, really, Congressman, and I certainly regard it as including prevention.

Mr. STEIGER. All right. But it was specifically delineated in statute as "juvenile delinquency."

Mr. WORK. Yes, we would like to be given an opportunity to show what we can do. The Congress has given us a mandate. Now let us not pull it away from us.

Mr. STEIGER. Can you tell us what kind of an impact LEAA has on social service institutions outside the range of the juvenile justice system?

Mr. WORK. That is an important coordination problem. As I said at the beginning of my testimony nothing is more important here than the coordination of the entire human resources community. But we think that we have a going thing in coordination whereas nobody else in human resources is doing any coordination at all. We think that we can also bring the other human resources agencies along with us. We are doing that in Compton, not only the Federal resources agencies, but also the State, local, and county resources agencies. We are finding a tremendous enthusiasm out there for this idea.

I would hope to be able to report back in 6 or 8 months about this project because I am so optimistic about what we are going to be able to do with the goals and objectives that we set out there with the city of Compton. I think it is going to be really exciting.

Mr. STEIGER. Mr. Work, that is fascinating about the city of Compton. What I am interested in is what your efforts and what the impact of LEAA has been and is now on social service programs, social service agencies, outside of the juvenile justice system, private and/or governmental social service agencies.

Mr. WORK. Congressman, what I am trying to pose to you is that if you do your coordination on the social service side you must understand that you run the risk of losing the coordination of the criminal justice side because the people in between, the juvenile delinquency people, will go off and do their coordination with the social service and they won't coordinate on the criminal justice side. You have got to consider the whole package. What I am suggesting is——

Mr. STEIGER. I recognize that. I am trying to ask you a question which I hope might be helpful to the agency, to give some idea as to how you are doing that job.

Mr. WORK. There are two ways. The first way is that we try to increase our efforts. In the Juvenile Delinquency Council we take our coordination role as chairman of that council very seriously. We have begun to develop, as I said earlier, a theory of coordination that involves all those parties on the social services end of the delivery spectrum.

In addition to that we want to emphasize and we will emphasize in

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the State plans that juvenile delinquency is a problem that Congress has mandated that the State plans pay attention to. In that respect the juvenile area presents an important and significant coordination problem with social services that the rest of crime does present to a degree but not to the degree that juvenile delinquency does.

Mr. STEIGER. I listened very carefully to that answer. I hope I won't be unfair to you if I suggest that what you have said to me is that at the moment you have very little impact on existing social service agencies.

Is that a fair characterization?

Mr. WORK. We are the chairman of the interdepartmental council on juvenile delinquency. Coordination is one of the toughest things to bring about at any level of government anywhere in this country.

Mr. STEIGER. What I am trying to seek from you, sir, is some idea as to what our perspective shoulud be or could be in terms of the work that now goes on within a State LEAA planning agency.

For example, if you went to the State of New York or went to the State of Wisconsin would we find social service agencies involved in that portion of the turf known as "prevention," participating fully in those agencies as having an opportunity to receive grant assistance from an LEAA grant block program? Or is the thrust and direction of the agency to open doors that heretofore have not been opened?

Mr. WORK. It would vary from State to State, Congressman. Some States are excellent in that regard. Other States are not. But you will see that our efforts will be to get them further involved because of the mandate in the 1973 act.

Mr. STEIGER. So we are really talking prospectively. In the first 5 years not much was done. Is that fair?

Mr. WORK. I think that is probably fair, Congressman. Not enough.

Mr. STEIGER. Do you have any alternatives at all which will provide additional resources to the States for youth programs and would not interfere with State LEAA activities?

In other words, were we to eliminate the reference to the juvenile justice system, would this proposal as contained in the bill be acceptable to the agency?

Mr. WORK. No. I think we would still have other problems, Congressman, of vitiating our planning and coordinating mechanism.

The point I am trying to make is simply this: that in trying to improve coordination in the social services area don't ruin the coordination in the criminal area.

Mr. STEIGER. Let me ask it differently. What alternatives if any do you have to H.R. 6265 for dealing with the problem of juvenile delinquency prevention?

Mr. WORK. Give us a formula grant program for prevention, just like corrections.

Mr. STEIGER. A formula grant program through HEW?

Mr. WORK. No, through LEAA.

Mr. STEIGER. Through LEAA specifically for——

Mr. WORK. Juvenile justice and prevention.

Mr. STEIGER. Any other alternatives?

Mr. **Work**. I think that is the primary alternative, Congressman.

Mr. **Steiger**. There has always been an historic foundation within the Department of Health, Education and Welfare in dealing with juveniles. Your answer to my question has effectively eliminated HEW's role and responsibility.

I don't do you a disservice, do I, by saying that?

Mr. **Work**. Perhaps because we are not trying to eliminate $4 billion worth of appropriations that relate to education, welfare, and so forth in HEW. But we are trying to say is that in dividing the pie if you move juvenile justice and juvenile delinquency entirely out of the criminal spectrum you are going to lose a much better coordination mechanism than you have got anywhere in the HEW world at the Federal level or at the State and local level.

Mr. **Steiger**. In the testimony that you have given us on H.R. 6265 you raise an issue involving invasion of privacy and juvenile. I would be grateful for your taking a moment to expand on what you mean.

Mr. **Work**. It is largely a question of labeling. We in the crime and delinquency area have been very concerned—and there is concern expressed in our statute, as you know—about security and privacy of records that relate to anybody in any system, be it the welfare system, the criminal system or the juvenile court system.

There is a significant problem and a serious problem. We do not find in the proposed legislation enough recognition of the seriousness of this problem, about putting records together that would be necessary either for research or for the proper administration of any program that would involve people or persons or children who have had no contact with the law or who have been only truant and have somehow or another been given the label "pre-delinquent."

We don't have a ready solution to that problem, Congressman. We just mention that because we believe we have led the executive branch of the Government in the consideration of security and privacy issues.

We want to make certain that everywhere we go we try to raise the level of sensitivity to that kind of problem. We do it only for those purposes.

Mr. **Steiger**. One other aspect of our consideration of the problem of juveniles has to do with the problem of runaways or what are called "runaways."

Is it fair to suggest, as I read your testimony, that this is a social problem? Would it not be more appropriate for HEW to deal with that kind of social problem rather than LEAA?

Mr. **Work**. That is one of the reasons we have supported their proposed legislation which has, as you know, an important runaway provision in it.

But LEAA has not ignored the runaway question. We have indeed put about $9 million into it. That is an example of the broader kinds of responsibility we are now accepting in this area and in fact are eager for.

Mr. **Steiger**. Thank you.

Thank you, Mr. Chairman.

Mr. **Hawkins**. Mr. Work, did I understand you to say in your answer to Mr. Steiger that you would support a formula grant program for juvenile delinquency prevention administered by LEAA?

Mr. WORK. Let me make clear that that is in our view much preferable to building an entirely new administrative structure in some other agency and building an entirely new state and local structure.

We think that we have the spirit and the energy to do that job in the right way. So later if something must be done, if Congress must take action in this field, other than what we are presently doing and to supplement our commitment in this field, we feel that the preferable way would be a formula grant.

Mr. HAWKINS. I just wanted to be sure the record was correct in that regard.

Mr. WORK. I appreciate that, Mr. Chairman.

Mr. HAWKINS. Thank you, Mr. Work.

Mr. WORK. I appreciate that, sir. Thank you.

Mr. HAWKINS. The next witnesses are from the National Conference of State Criminal Justice Planning Administrators, to be represented by Mr. Richard C. Wertz and Mr. C. L. Townsend, Jr.

We are certainly appreciative of your appearance here on short notice.

STATEMENT OF RICHARD C. WERTZ, CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS AND EXECUTIVE DIRECTOR, GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, STATE OF MARYLAND; AND C. L. TOWNSEND, JR., FOR LEE M. THOMAS, LEGISLATION COMMITTEE CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, AND EXECUTIVE DIRECTOR, OFFICE OF CRIMINAL JUSTICE PROGRAMS, STATE OF SOUTH CAROLINA

Mr. WERTZ. Thank you, Mr. Chairman, ladies and gentlemen of the committee.

I will try to be brief. We do have a prepared statement which, with your permission, I would like to have introduced into the record.

Mr. HAWKINS. Without objection, it is so ordered.

[The statement referred to follows:]

PREPARED STATEMENT OF RICHARD C. WERTZ, CHAIRMAN, NCSCJPA, AND EXECUTIVE DIRECTOR, GOVERNORS' COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, STATE OF MARYLAND, AND C. L. TOWNSEND, JR., FOR LEE M. THOMAS, LEGISLATION COMMITTEE CHAIRMAN, NCSCJPA AND EXECUTIVE PROGRAMS, STATE OF SOUTH CAROLINA

Members of the House Education and Labor Committee's Subcommittee on Equal Opportunity, I am Dick Wertz, Chairman of the National Conference of State Criminal Justice Planning Administrators and Director of the Maryland State Planning Agency. With me is Mr. C. L. Townsend, Jr., for Mr. Lee Thomas who is the Chairman of our National Conference's Legislative Committee and also the Executive Director of the South Carolina Office of Criminal Justice. The NCSCJPA is the national organization representing the heads of the 55 State Criminal Justice Planning Agencies operating in the states and territories under provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and its 1973 amendments.

Our prepared statement will offer our views and recommendations on HR-6265 which concerns the treatment and prevention of juvenile delinquency. We appreciate this opportunity and hope that our suggestions will be beneficial to the drafters and proponents of this and other federal juvenile delinquency treatment and prevention legislation.

At the outset, I would like to state that our position is one of strong support for additional legislative and financial focus on delinquency prevention. However, as will be developed throughout my statement, we strongly oppose HR-6265 as currently written.

We agree that the present Federal Juvenile Delinquency Act which has been in operation for the past 35 years and has remained virtually unchanged has done little if anything to reduce and prevent juvenile delinquency. However, we do not feel that a "new National Office of Juvenile Delinquency Prevention in the Executive Office of the President . . ." needs to be created, nor will such a new branch of federal government solve the delinquency problem.

Our first observation is the limitation on federal funds that are presently available for juvenile delinquency treatment and prevention. Of course, this financial limitation will permeate our thoughts and suggestions throughout our testimony, but we wanted to identify it as a single issue needing discussion.

HR-6265 in Title II, *Federal Assistance for State and Local Programs,* both recognizes the present scarcity of funds and attempts to rectify that scarcity by authorized appropriations for the forthcoming (two) fiscal years.

It is our contention that the amounts sought are not nearly enough to combat the problem of increasing juvenile delinquency nor are the dates realistic as they are predicated on a shortsighted future. The Senate version of this Bill recommended $200 million for fiscal year ending June 30, 1975, and $300 million for fiscal year ending June 30, 1976. Although we also find specific problems in the way that Bill is written, we do agree with the appropriation levels it seeks.

We do not understand why HR-6265 is seeking funds for fiscal year 1973 and suggest that these as well as fiscal year $74 funds be used to increase latter years' appropriations. In line with this recommendation, we also feel that funds should be sought further into the future than for fiscal year 1976. Our suggestion would be FY 1978.

In addition to the levels of appropriations sought, we also question the categorical nature of their dispersal to states. A determination of that which is best for individual states should be determined at that state by established or recommended processes. The categorical grant allocation system may have a place in funding specific itemized projects or studies but not when attempting to rectify a general problem where the specifics are determined only at the situs of that problem. That is, an individual state must determine how best to attack the problem of juvenile delinquency in that state. To establish such a categorical grant program as under Section 203, you take the chance of diverting and undermining present states' efforts at treating and preventing juvenile delinquency.

The second major note of opposition that we must voice to your proposed Bill is in the establishment of a new federal agency or sub-agency where the proper utilization of an existing and functioning agency will serve the same purpose. We agree that such additional monetary allocations being earmarked for juvenile delinquency prevention should not be under the jurisdiction of the Department of Health, Education and Welfare. On the other hand, we do not feel that the creation of a new office within the Executive Branch of the President is the most logical and meaningful answer to the quest for a funding conduit.

The problem of juvenile delinquency must properly be addressed at its root structure by agencies or organizations specifically oriented to that purpose. The mere creation of a *new* conduit for federal financial resources is not the answer we suggest nor the one we feel Congress is seeking. Th 55 State Planning Agencies in conjunction with Law Enforcement Assistance Administration are specfically mandated and set up to address local needs and problems. Uniform guidelines and regulations as well as specific policies are presently in force and operational at the state level to address state problems. The only shortcoming with the present Crime Control Act of 1973 is its failure to adequately cover the *prevention of* juvenile delinquency. Although many State Planning Agencies are presently utilizing LEAA funds in pre-delinquent and delinquency programs, the present funds are indeed limited and cannot address adequately the entire juvenile delinquency problem. Therefore, we recommend that the present LEAA enabling legislation be amended to specifically include juvenile delinquency *prevention* programs and to appropriate realistic financial resources to implement much needed juvenile delinquency prevention as well as treatment programs and projects.

The third major point we would like to stress is not only the unnecessary planning and programmatic duplication that would result from the passage of HR-6265 but the resultant conflict and confusion at the state and local level. Although we totally disagree with the creation of a new federal sub-agency and the categorical grant concept, we feel that one solution, among many, to the problem of coordination would be to require the inclusion of a paragraph similar to the following under Section 102:

The purpose of this Act being: To coordinate the described activities and above-stated purpose at the state and local level with existing planning agencies as designated by the governor of each respective state or executive department of the United States' territorial possessions.

Without such a paragraph or other required coordination at the state's planning agency level, there will obviously be duplicative and conflicting programmatic funding. Furthermore, certain juvenile-oriented agencies as well as organizations wil lreceive funds from both the State Planning Agencies and the new National Office under HR-6265. Differing guidelines, regulations, grant processing, and other conflicting administrative procedures will detract greatly from the intended purpose for which the funds are to be utilized. Such confusion and conflict would cause a splitting off of the funding capabilities at the state level, and the whole juvenile justice system including delinquency treatment and prevention would suffer. Present funds are indeed limited and cannot adequately address the entire juvenile delinquency problem, so funds presently being utilized by SPA's for pre-delinquency and delinquency prevention programs would most likely be diverted with the creation of a new National Office as H-6265 would do.

A fourth major point that we feel must be addressed is the failure of H-6265 to protect the security and privacy of juvenile records, their content, retention, dissemination, use and destruction. It is our feeling that juvenile records should not be placed into an automated data or records system where there is *any* possible chance to identify the individual. Further, we feel that mandatory controls must be placed on any manual data or records system that may contain juvenile records with strong and enforceable penalties for misuse.

Under Title IV of HR-6265, there is created a National Advisory Council for Juvenile Delinquency Prevention which is made up of the heads of various federal agencies as well as others by Presidential appointment. We agree with the idea of a single strong committee or council but not with the method of appointment used in HR-6265; i.e., by the President. Both state and national organizations having some juvenile justice orientation must have input into such a committee, and thus we recommend that they be considered when selecting a method of appointment. Such organizations may include, but by no means be limited to, the National Conference of State Criminal Justice Planning Administrator, Volunteers in Probation, Inc., National Council on Crime and Delinquency, Boy Scouts, National Education Association, and the National Governors' Conference.

Finally, and notwithstanding our previous recommendations against the creation of a new National Office under Title III of HR-6265, we feel that the authority given to the Director of that office is too extensive. Not only is he authorized to operate his own department, but he may transcend lines of authority and function within other federal agencies or departments he feels necessary. Furthermore, he is accountable only to the President and not directly to the Council or to Congress. We recommend that he be accountable to the Council and advise the President and Congress accordingly.

On behalf of our National Conference and 55 State Planning Agencies, I wish to thank you for this opportunity to testify on HR-6265 and will be glad to answer any questions you may have.

National Conference of State Criminal Justice Planning Administrators

The National Conference of State Criminal Justice Planning Administrators is comprised of the heads of the 55 State Criminal Justice Planning Agencies

(SPAs) operating in the states and territories. Recognizing the need for a formal mechanism throuhg which unified state views could be developed on substantive issues related to the direction, management and implementation of the program, the SPA admjnistrators formed the National Conference in 1971.

In addition to providing a unified state voice on the conduct of the Crime Control Program, the National Conference has intense interest in:

Informing the Governors, the Congress, SPA supervisory boards and other appropriate groups of demonstrated needs and accomplishments within the states related to crime and justice.

Improving the state administration of the Crime Control Program through the sharing and exchange of information and personnel among the states and by insuring the availability of needed and quality training and technical assistance.

Determining and effectively expressing the collective views of SPA administrators on pending and recently enacted legislation and activity encompassing the entire scope of criminal justice.

Mr. WERTZ. Let me try to highlight a few things in that statement and to offer some comments on H.R. 6265 and to try to offer some recommendations with some alternatives.

Let me first throw myself on the mercy of the committee. I made a trip to California last week. I apparently couldn't take the warm sunshine. So if I begin to weaken my colleague will take over.

For the record, my name is Richard Wertz. I am executive director of the Maryland Governor's Commission on Law Enforcement and Administration of Justice.

I am the current Chairman of the National Conference of State Criminal Justice Planning Administrators.

I have with me "Skip" Townsend who is representing Lee Thomas, who is executive director of the South Carolina Office of Criminal Justice Programs and the chairman of our Conference's Legislative Committee of the Maryland Governor's Commission on Law Enforcement and the South Carolina Office of Criminal Justice Programs.

I am chairman of the 55 State Criminal Justice Planning Agencies established in 1969 by the Governors of the 50 states and the five territories.

As a prerequisite for their participation in the safe streets program last 1968, I might add, that by virtue of the 55 state planning agencies I was also designated by the Governors of these states and territories to be the official chairman of the Delinquency Planning Agency under the Juvenile Delinquency Prevention and Control Act of that year.

While that never really got off the ground, that mandate combined with our LEAA responsibilities have from the outset meant that these planning agencies were involved in the juvenile delinquency prevention and control planning area.

The National Conference is the Federation of the Association of the Executive Directors of these 55 State criminal justice planning agencies.

It has a dual role, that of self-help and exchange of information on programs, what works and what doesn't. It also has the responsibility for following developments in the adult criminal justice field and for developing our views on such things as legislation.

We are obviously vitally interested in the proposal contained in H.R. 6265. We appreciate this opportunity to testify today.

From the outset let me begin by saying that National Conference shares very much the concerns expressed in H.R. 6265 about the juvenile delinquency problem and the need for additional resources to implement solutions. We couldn't agree more with those concerns.

The annual comprehensive state criminal justice plans prepared by the 55 state planning agencies that we represent now include child delinquency prevention control and rehabilitation components that outline in detail the needs and problems and priorities in each of our states in the juvenile delinquency area.

We feel that much progress has been made by our SPA's in the last 5 years under the purview of the Safe Streets Act program. We recognize that each of our 55 State plans will adequately document the need for additional emphasis in the juvenile delinquency area.

I might add in terms of resources that the National Conference has expressed its strong concern to appropriate appropriations committees of Congress about the current level of appropriations being given to the Safe Streets Act.

Quite frankly we have testified that the appropriations for the act ought to be increased so that our presently-laid plans—and I might add particularly in the juvenile delinquency area—can be expedited.

One other comment on appropriations. I would have to echo some of the comments made by Senator Pepper this morning when he indicated that the amounts allocated or authorized in 6265 were probably not adequate.

I would like to give you one quick example of the appropriations level of $50 million which I believe is the amount currently recommended for fiscal 1973. The State of Maryland, with about 4 million people, would get roughly $700,000, to $800,000 in action funds under the scope of this program.

That compares in terms of the current amount of Safe Streets Act funding that our SPA is putting into the juvenile delinquency area, it amounts to only about 20 percent or so.

In terms of total juvenile justice expenditures in the juvenile area now being spent in our State, quite frankly it is only 1 percent or 2 percent of the currently spent total. It is a drop in the bucket. It is really not adequate to the job that needs to be done.

So I would have to suggest that the appropriations authorization suggestions in the current bill are low. We would suggest that the authorization levels contained in S. 821 might be more in line, might be be a bit more appropriate.

Concerning the concerns expressed in Title I of H.R. 6265 the members of the National Conference find themselves in strong disagreement with a number of provisions of the bill.

I would like to briefly outline for you the basis of our disagreement in three major areas. I would like to suggest some alternatives.

I point out that in our prepared statement we do comment on a number of other areas. We would appreciate your attention being drawn to those.

The first of the H.R. 6265 provisions charges the Secretary of HEW with the responsibility for the administration of the proposed program. The National Conference disagrees with this approach.

We would recommend instead that the LEAA, the Law Enforcement Assistance Administration, be charged with the responsibility for the administration.

We base our feeling on three points. First of all, the establishment of a new Federal bureaucratic delivery system would take years. We feel that there is a need to move ahead now in juvenile delinquency prevention and control area.

The 55 States currently have plans that are beginning to be implemented now that could be greatly expedited virtually overnight with increased appropriations.

It took 3 or 4 years to get the bugs out of the LEAA delivery system. We feel that it is not appropriate to waste another 2 or 3 years developing a new system for delivery of a program that could be delivered as of now. I think that is a very important point.

The second reason for our feeling about LEAA versus HEW is that the individual states have a history of a smooth working relationship with LEAA, who have worked with this agency for 5 years. They know us. We know them. We are beginning to make solid progress with that relationship. We don't feel that it is appropriate to have to go back to ground zero and establish a whole new set of relationships with another Federal agency.

The last reason for our feeling is that many of us in the National Conference working at the state level go back a number of years in this program. We go back to the days when the HEW administered the Juvenile Delinquency Prevention and Control Act of 1968. In my opinion—I stress this as being my opinion as opposed to the Conference—the reason that that act failed was the ineptness of the HEW Administrators. Quite frankly, they didn't do the job. They bungled the job.

I don't see anything that would lead me to believe that they could do a more competent job now than they did 4 or 5 years ago.

Again, LEAA has a proven track record. We believe that we ought to go with a winner.

The second major point I would like to cover is that H.R. 6265 uses a categorical grant approach to plan implementation. The National Conference disagrees with this approach and suggests that a block grant approach identical to that being used in the current Safe Streets Act program be used.

We base this feeling on at least three major points. First of all, many new resources being put into the States and the localities under the auspices of H.R. 6265 must be coordinated with the actions that are now taking place in the States.

In my own State a considerable proportion of our own Safe Streets block grant program goes into juvenile delinquency prevention and control area.

In point of fact we have much more money going from that source to this area of concern than any other proposed appropriation levels would allow us to put in.

What we are suggesting, I think, is if there is another funding source for the juvenile delinquency, the programs that are funded under that program area must be closely coordinated with what is now being done.

Another point that relates to this is that most of our State planning agencies are beginning to have a very strong say in the allocation of State and local dollars through the State and local budgetary process. More and more of our State planning agencies are being asked to review the budgets of, for instance, juvenile delinquency agencies within our State.

By having the ability to do that we have the ability to coordinate not only the Federal dollars going into this area but also the State and local dollars going into this area.

We feel that the block grant approach fosters a desirable thing. We feel that the categorical grant approach inhibits this thing.

There are two other reasons for our urging you to take the block grant as opposed to the categorical grant approach.

Five years of experience with the Safe Streets Act indicates that those who create the plans at the State and local level are in the best position to see those grants implemented.

There are a number of points that would support this. But let me just cite one. We have dealt with our grantees for a period of 5 years. By "grantees" I mean not only the public criminal justice agencies but literally hundreds and hundreds of private groups involved in youth service bureaus.

We know which of them are credible and which of them are not credible. We know which of them have the administrative ability to satisfactorily carry out a program. We know which do not.

Quite frankly, I think that the knowledge about the implementation process contained in the minds of the 55 State planning agencies is much greater than you would ever be able to accumulate in a single Federal agency in Washington.

The last reason for supporting the block grant approach versus the categorical grant approach again I think is a very important one.

If I may refer again to my own State and refer you to a project in Anne Arundel County, which is the county around Annapolis, Md., our State planning agency is currently working with Anne Arundel County in a comprehensive effort aimed at reducing the crime of burglary.

In Anne Arundel County more than 50 percent of the burglaries are committed by juveniles. Therefore any programs that we implement to solve that problem have got to have a very strong juvenile orientation.

My colleagues who appeared earlier outlined the problems of fragmentation. Very simply put, no single agency can come up with a program that will adequately allow us to reduce the crime of burglary.

Mr. HAWKINS. Mr. Wertz, I hate to interrupt you. We have only 15 additional minutes.

I wonder if you could summarize at this point so that the subcommittee could go on to the next scheduled witness? I am afraid that we will be called to the House shortly. The afternoon session will begin in just about 15 minutes.

Mr. WERTZ. I understand. Could I have 3 minutes or so?

Mr. HAWKINS. Yes.

Mr. WERTZ. That is the second point. The third point of major concern to us is that we feel the existing State planning agencies should do the job of applying at the State level.

Quite frankly, there is not enough money in your bill to set up a new State planning agency to do all the things which you would require to be done.

We think, again, that any new plan should be closely coordinated with what is being done now.

Those are the three major points that I would like to cover.

There are a number of other points in our written testimony.

In summary, I would say the National Conference of State Criminal Justice Planning Administrators strongly agrees that additional emphasis is needed in the juvenile delinuency area and additional Federal financial support, State and local juvenile delinquency prevention and control effort is warranted.

We feel that the objectives of H.R. 6265 can best be met if three conditions occur: if LEAA is made the Federal administrative agency, two, if the block grant approach to Federal funding is utilized as opposed to the categorical grant approach and, three, if the existing State planning agencies are assigned the responsibility for plan development and resource allocation.

I appreciate the opportunity to appear here.

If you have time I will be happy to answer any questions.

Mr. HAWKINS. Mr. Wertz, thank you and also Mr. Townsend. I am afraid we don't have time for questions. We will have to forego them. I hope you understand.

Certainly your testimony has been clear. While we may not agree with it, at least some of us don't, I think it is valuable to the hearing. We certainly appreciate it.

Mrs. CHISHOLM. Can I ask one quick question?

Mr. HAWKINS. Yes, Mrs. Chisholm.

Mrs. CHISHOLM. How do you feel about LEAA not funding private agencies that are engaged in the problem of trying to do something with juvenile delinquency problems?

Mr. WERTZ. I believe that LEAA through the State planning agencies has done that very heavily.

Mrs. CHISHOLM. In some States they are not.

Mr. WERTZ. I know in our own State, for example, we have currently funded some 20 service bureaus. Better than half those youth service bureaus are run by private groups of one kind or another.

I strongly encourage it. I think, referring to Congressman Steiger's comment earlier, this is the best way for us to integrate the nonpublic agencies into what it is we are trying to do. Most States are following that course of action.

The latest figure I have is that there are currently some 250 youth service bureaus that are being funded and that most of those are private agencies.

Mrs. CHISHOLM. Thank you very much.

Mr. HAWKINS. Thank you very much, Mr. Wertz.

Mr. WERTZ. Thank you. I appreciate it.

Mr. HAWKINS. Our next and final witness is from the National Council on Crime and Juvenile Delinquency, as represented by Mr. H. Ladd Plumley, Vice President for National Affairs.

Mr. Plumley, we appreciate your appearing before this subcommittee. Your statement is a very excellent one. It will be printed in the record in its entirety at this point.

[The statement referred to follows:]

PREPARED STATEMENT OF H. LADD PLUMLEY, VICE CHAIRMAN OF NATIONAL AFFAIRS, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, WASHINGTON, D.C.

Mr. Chairman, the National Council on Crime and Delinquency is grateful for the opportunity to discuss the need for H.R. 6265—the Juvenile Justice and Delinquency Prevention Act of 1974. As Vice Chairman of NCCD's Board of Directors for National Affairs, I personally welcome the opportunity to stress that Juvenile Justice and Delinquency Prevention is a *National Issue* as well as a local one. Juvenile Delinquency is a problem which simply cannot be left to local resources for resolution, but requires the combined energies and resources of local, state and federal governments. The phenomenon of delinquency and its accompanying problems permeates the entire nation. Piecemeal and fragmnted approaches will not suffice. The anomalies which pervade the nation's so-called system of juvenile justice will continue unchecked without accountable leadership and direction. That leadership and direction setting must be accompanied by sufficient resources to get the job done.

For several years, NCCD has carefully analyzed the federal effort toward juvenile delinquency prevention and rehabilitation. At no time have the federal efforts been the product of comprehensive planning or coordination of activities. At no time have these efforts been generated by strong federal leadership.

When Congress passed the Juvenile Delinquency Prevention Act of 1968, we were extremely optimistic that progress had begun. We expected great results from the Youth Development and Delinquency Prevention Administration—YDDPA—within the Department of Health, Education and Welfare. We expected that a focus on Youth Development and Delinquency Prevention from the social services arena rather than the criminal justice arena would begin to address the underlying causes of delinquency. Unfortunately, our expectations have not been realized. The Juvenile Delinquency Prevntion Act has been grossly underfunded, poorly directed and indifferently administered. Furthermore, once the act was passed, the attentions of Congress and the Administration turned elsewhere, leaving the job half done and permitting poor performance to continue.

There have been some rumblings of discontent, however, Congressman Tom Railsback, for example, introduced HR 45—a bill to provide for a badly needed coordinating center at the federal level which would collect and disseminate data and information regarding the prevention, treatment and control of delinquency. When the House passed HR 45, it reflected the concern of the membership that the Juvenile Delinquency Prevention Act was deficient, and that the federal role in the war against juvenile delinquency should be more than that of passive observer. Interestingly enough, more attention to juvenile justice and delinquency prevention has been directed through the Law Enforcement Assistance Administration than through the Youth Development and Delinquency Prevention Administration. However, juvenile justice improvements and concern for youthful offenders has not been a priority issue in LEAA or in the State Planning Agencies which distribute the funds within the states and jurisdictions. LEAA has assumed a leadership role in upgrading and improving the nation's system of criminal justice—particularly law enforcement—but has not assumed a strong role for prevention, controlling or reducing juvenile delinquency. In 1973, the state plans for criminal justice indicate that 11% of the funds available were to be directed towards juveniles. This is a reduction in the portion of funds spent in previous years (1970 14.6%, 1971 16%) Of the $772.5 million available in LEAA funds for state and local planning, $79.7 million was directed towards youthful offenders. However, youthful offenders account for almost 50% of the arrests for serious crimes.

A closer look at the planned use of LEAA block grant funds for 1973 indicates strong concern for programs aimed at prevention and diversion—almost $28 million of the $79.7 million was targeted for such programs. However, a review of the programmatic components themselves indicated that such programs are primarily directed towards identified delinquents—or a category of youth eumphemistically identified as "pre-delinquent." In other words, LEAA money is primarily directed toward secondary prevention—prevention of future crimes rather than the prevention of the offenses, or primary prevention.

There is a growing concern across the nation for community based alternatives as a means of rehabilitating youthful offenders—and through LEAA, almost $26 million is targeted for probation programs, volunteer programs, programs using community rather than institutional resources, small residential group homes, etc. It is our belief that the use of LEAA funds in such directions indicates light at the end of the tunnel . . . and that there are progressive, innovative, sensible program ideas for prevention, controlling and reduction of delinquency. However, it is our observaton that the stimulus for such programs comes from the local and state levels of government, not the federal level of government and we know that the individual programs themselves do not comprise what could be called a "federal" effort to reduce delinquency. Indded that are still a number of states which spend little if any money on juvenile delinquency prevention *or* treatment.

To sum up, in 1973 through LEAA the nation planned to spend almost 80 million dollars on delinquents or youthful offenders. That same year, the Office of Youth Development in HEW, which replaced the now defunct Youth Development and Delinquency Prevention Administration, had $10 million to spend on delinquency prevention—primary delinquency prevention. The major end to which this money has been directed is the development of Youth Services Systems—diversion/referral centers which aim to keep youth from getting involved in the juvenile justice system. However, Youth Services Bureau are only one tool available to the nation for delinquency prevention. They are an important key to delinquency prevention, but not the only key. I would submit that by reversing our priorities and focusing strong attention on primary prevention we would have less need to focus our attention toward secondary or repeat prevention. For that reason, NCCD considers that HR 6265 is key legislation—probably the most important legislation—facing Congress this year.

In its present form, HR 6265 contains three elements critical for reforming the juvenile justice system and stimulating innovative programs for delinquency prevention and control:

1. A strong federal leadership role;
2. A mandated authority to address the entire spectrum of juvenile delinquency from primary prevention to aftercare; and
3. A built-in capacity for research, training, planning and evaluation.

These are the most glaring weaknesses in our present effort to reduce delinquency—this bill would be a significant step in overcoming these weaknesses.

We would also like to make some comments which we believe will enhance the impact of this bill.

It is generally recognized that prevention and control of crime and delinquency are local problems; that the focal point for criminal justice planning is at the state level; but that the federal government must provide both leadership and assistance. HR 6265 recognizes and provides for these considerations.

Ultimately, however, programmatic success is dependent upon the quality of planning and accountability at all levels. Planning and accountability can be fully achieved if the following factors are required as an integral part of the program. These factors are important enough to dwell on in some detail.

They are:

1. *Citizens Control.*—Since citizens are both the ultimate providers and consumers of the juvenile justice system, they must participate in the decision-making process, particularly where those decisions influence or determine the volues of the system. Citizen-controlled planning and review boards can carry out this function.

2. *Professional Input.*—Because of their technical expertise, professionals in the field should be enmeshed in the planning system not only to provide tools for identifying needs, priorities and goals, but also to provide experienced manpower to direct and monitor implementation of the plans, e.g. auditing, management, research, evalution. However, delinquency prevention, like war, is too important to be left to the professionals alone.

3. *Balanced Political and Economic Power.*—Checks and balances reside in equitable apportionment of power among the vested interests at all levels. Hopefully, such safeguards will also serve to reduce political struggles, jurisdictional disputes and conflicts of interest.

4. *Continuous Monitoring and Evaluation.*—Comprehensive planning requires continuous and complete feedback of information, publicly disseminated objectively evaluated. This not only assures accountability of program managers but also stimulates a high level of responsiveness of planning personnel. It is equally important that a method of evaluation be outlined and funds for this purpose be reserved at the inception of every program.

5. *Resource Coordination.*—All elements of the system must be integrated to ensure coherent, well-balanced and effective delivery of all the necessary services. Close coordination of local, state, regional and federal efforts must be specified for this purpose. To achieve this coordination the decision making power and the funding power must be sufficiently centralized to prevent dissipation of funds and effort as well as internecine warfare.

HR 6265 is a strong bill because it incorporates all of these factors.

The argument has been made that these complex planning and acountability structures serve only to produce angles of red tape and delay. It is true that adhering to a planned, accountable process is more complex and time-consuming that the simple transmission of virtually unrestricted funds.

A trade-off must be made, however, between the easy access to federal funds and planned accountability in the use of funds. It is our belief that the advantages of the comprehensive, planned approach outweight the disadvantages of a representative planning process.

I would also like to add, Mr. Chairman, that a number of other national youth-serving agencies agree that delinquency prevention needs to be recognized as a national priority. At an all-day forum on juvenile justice and delinquency prevention held recently in Washington, D.C., the NCCD National Executive's Committee discussed the issues of juvenile justice with members of Congress, the Administration, and leaders of such agencies as the Boy Scouts, Girl Scouts, Girls' Clubs, Boys' Clubs, National Council of Jewish Women, National Association of Junior Leagues, National Council of Juvenile Court Judges, the National Boards of the YMCA and the YWCA. Participants in the meeting agreed that there are six fundamental principles upon which any acceptable legislation in the area of juvenile justice must be founded. These principles are:

1. A new national program to coordinate and give leadership to all levels of delinquency prevention efforts.
2. Adequate funding for prevention and rehabilitation, and creation of alternatives to institutionalization of juveniles both within and outside the juvenile justice system.
3. Establishment of a National Institute of Juvenile Justice to provide for independent compilation, evaluation and dissemination of program information.
4. National standards for the operation of juvenile courts at all stages—intake, adjudication, disposition and conditions of confinement.
5. Emphasis on community-based prevention, diversion and treatment facilities.
6. Significant participation of private, voluntary agencies in carrying out this program, with express funding eligibility.

Legislation of this comprehensive nature which most closely meets the ideals set forth above, is found in the Senate bill sponsored by Senator Birch Bayh and Marlow Cook, S. 821. This bill has been in the process of development and refinement for the past four years, and has twenty-three co-sponsors in the Senate. HR 6265 is similar to this bill, but could be strengthened if it became identical to the bill. For example, HR 6265 does not provide for the establishment of a National Institute on Juvenile Justice, which is an important key to any federal program for preventing delinquency. Such legislation has already passed the House of Representatives in the form of HR 45. Furthermore, HR 6265 does not amend the federal Juvenile Delinquency Act to reform the juvenile code statutes in Title 18 of the U.S. Code. Although it is recognized that such legislative issues are outside the purview of the Committee on Education and Labor, we believe that the issues addressed are within the topical interests of the Subcommittee on Equal Rights. At stake are the rights of the nation's youth—juvenile—"little people" who only differ from the rest of us because of age. Simply because some Americans are under 18 and cannot vote does not permit us to deprive them of the rights accorded adults over 18.

My final comment addresses another issue which is not insignificant, and that is where to place the program outlined in HR 6265 within the federal governmental structure. Initially, NCCD recommended that an independent office would be best for implementing such a federal effort. For a variety of reasons, however, including the reluctance of many for such independent placement, we agreed to a compromise which places rsponsibility for the program within the U.S. Department of Health, Education and Welfare.

There were other possibilities considered. One of these was to place the program within the Law Enforcement Assistance Administration in the U.S. Department of Justice. However, LEAA is the official program for the nation's existing systems of criminal justice, and has developed a differing set of priorities than are embodied in this bill. LEAA is not necessarily the mechanism through which real crime and delinquency causing factors can be addressed, nor is it likely to pursue the development of alternatives to the system.

The U.S. Department of Housing and Urban Development was also considered a prospect for the delinquency prevention program. HUD's Model Cities program was one means whereby local communities could implement crime and delinquency related programs directed toward prevention, reduction, treatment, and alternatives. However, HUD's primary concern with the physical aspects of the nation's cities and urban areas—transportation, housing, business and economic redevelopment—does not strictly relate to the social sciences. That is not to say that social redevelopment should not accompany urban redevelopment, but it does recognize that social redevelopment has not been a primary target for HUD.

Thus, NCCD opted for the department of HEW because that agency has historically focused upon social issues, social services, social resources, in short, people. Although HEW's performance in delinquency prevention has been inadequate in the past, we believe this can be changed with a strong legislative mandate from Congress.

In summary, we should not permit ourselves to be diverted from the main intent and the critical need for such legislation with squabbles as to the best governmental environment for implemention. The legislation embodies the ideas of prevention and diversion as community responsibilities. Thus, philosophically, the Department of Health, Education and Welfare with its alignment with concerns for people is more appropriate for the envisioned program than is the U.S. Department of Justice, or the Law Enforcement Assistance Administration.

I would like to reiterate, Mr. Chairman, that H.R. 6265 is vital legislation. It not only fills a vacuum in the nation's effort to reduce crime, but provides a means by which we can begin tackling the insidious causes of delinquency instead of misdirecting energies toward alleviating the symptoms. Thank you for permitting me this opportunity to address you and express my support for H.R. 6265.

Mr. Hawkins. You may proceed to give us the highlights, to summarize or to deal with it as you so desire.

We will try to stay just as long as we can. We hope that you won't feel too hurried.

Would you introduce your associates?

STATEMENT OF H. LADD PLUMLEY, VICE CHAIRMAN OF NATIONAL AFFAIRS, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, WASHINGTON, D.C.; ACCOMPANIED BY ANNE PARKER AND JUSTUS FREIMUND OF THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Mr. Plumley. With me this morning is Miss Ann Parker and Mr. Justus Freimund of our National Capital office.

Mr. Hawkins. We are also delighted to have them.

Mr. Plumley.

Mr. PLUMLEY. If I may speak rather rapidly I will try to cooperate with your time schedule.

The National Council on Crime and Delinquency is grateful for the opportunity to discuss the need for H.R. 6265.

As vice chairman of NCCD's Board of Directors for National Affairs I personally welcome the opportunity to stress that juvenile justice and delinquency prevention is a national issue as well as a local one.

Juvenile delinquency is a problem which simply cannot be left to local resources for resolution but requires the combined energies and resources of local, State, and Federal governments.

For several years NCCD has carefully analyzed the Federal effort toward juvenile delinquency prevention and rehabilitation. At no time have the Federal efforts been the product of comprehensive planning or coordination of activities. At no time have these efforts been generated by strong Federal leadership, in our opinion.

Both the Youth Development and Delinquency Prevention Administration in HEW and LEAA have been disturbingly disappointing in their juvenile efforts.

When the Juvenile Delinquency Prevention Act of 1968 was passed we expected that the Federal agencies would address the underlying causes of delinquency. Unfortunately this act has been grossly underfunded, poorly directed and indifferently administered.

Although LEAA has directed more attention to juvenile justice than delinqeuncy prevention this has not been one of its priority issues. Instead of assuming a strong leadership role in preventing and controlling delinquency LEAA has concentrated its efforts in upgrading and improving the criminal justice system, particularly law enforcement.

To illustrate that point, in 1973 the State plans for criminal indicate that 11 percent of the funds available were to be directed toward juveniles. This is a reduction in the portion of funds spent in previous years. However, youthful offenders account for almost 50 percent of the arrests for serious crimes.

A closer look at the planned use of LEAA block grant funds for 1973 indicates strong concern for programs aimed at prevention and diversion. Almost $28 million of the $79 million was targeted for such programs.

However, a review of the programmatic components themselves indicated that such programs are primarily directed toward identified delinquents or a category of youth euphemistically identified as "predelinquent."

In other words, LEAA money is primarily directed toward secondary prevention, prevention of future crimes rather than the prevention of the offenses or primary prevention.

We must acknowledge that almost $26 million is targeted for community-based alternatives. It is our belief that the use of LEAA funds in such directions indicates light at the end of the long tunnel and that there are progressive, innovative, sensible program ideas for prevention, controlling, and reduction of delinquency.

However, it is our observation that the stimulus for such programs comes from the local and State levels of government and not from the Federal level.

We know that the individual programs themselves do not comprise what we could really call a Federal effort to reduce delinquency. Indeed there are still a number of States which spend little if any money on juvenile delinquency prevention or treatment.

I would like to continue to summarize, if I might, since you have all the testimony, sir.

It is generally recognized that prevention and control of crime and delinquency are local problems, that the focal point for criminal justice planning is at the State level.

The Federal Government must provide in our opinion the broad leadership and assistance. H.R. 6265 recognizes and provides for these considerations.

We believe that this is a strong bill because it incorporates five major factors essential for programmatic success: citizen control—and we should stress that—professional input, balanced political and economic power and continuous monitoring and evaluation and, five, resource corodination.

I would also like to add, Mr. Chairman, that a number of other national youth-serving agencies agree that delinquency prevention needs to be recognized as a national priority.

Sixteen agencies such as the Boys Club, Girl Scouts, just to name a few who have already testified before you in previous hearings in support of this piece of legislation.

They have adopted the following six principles upon which any acceptable legislation in the area of juvenile justice must be founded. These principles are:

1. A new national program to coordinate and give leadership to all levels of delinquency prevention efforts.
2. Adequate funding for prevention and rehabilitation, and creation of alternatives to institutionalization of juveniles both within and outside the juvenile justice system.
3. Establishment of a National Institute of Juvenile Justice to provide for independent compilation, evaluation and dissemination of program information.
4. National standards for the operation of juvenile courts at all stages—intake, adjudication, disposition, and conditions of confinement.
5. Emphasis on community-based prevention, diversion, and treatment facilities.
6. Significant participation of private, voluntary agencies in carrying out this program, with express funding eligibility.

My final comment addresses another issue which is not insignificant. This is where to place the program outlined in H.R. 6265 within the Federal Governmental structure.

Initially NCCD recommended that an independent office would be best for implementing such a Federal effort.

For a variety of reasons, however, including the reluctance of many for such independent placement, we agreed to a compromise with places responsibility for the program within the U.S. Department of Health, Education and Welfare.

NCCD opted for this department because that agency has historically focused upon social issues, social services, social resources in short, upon people.

Although HEW's performance in delinquency prevention has been inadequate in the past we believe this can be changed with a strong legislative mandate from Congress.

In summary, we should not permit ourselves to be diverted from the main intent and the critical need for such legislation with squabbles as to the best governmental environment for implementation.

The legislation embodies the ideas of prevention and diversion as community responsibilities.

Thus, philosophically the Department of Health, Education, and Welfare with its alinement with concerns for people is more appropriate for the envisioned program than is the U.S. Department of Justice or the Law Enforcement Assistance Administration.

May I reiterate, Mr. Chairman, that H.R. 6265 is vital legislation. It not only fills a vacuum in the nation's effort to reduce crime but provides a means by which we can begin tackling the insidious causes of delinquency instead of misdirecting energies toward alleviating the symptoms.

We do indeed thank you, sir, for permitting us this morning to give this testimony on behalf of H.R. 6265.

Mr. HAWKINS. Thank you, Mr. Plumley. We are certainly grateful to you.

Mrs. Chisholm.

Mrs. CHISHOLM. I have no particular questions. I just want to say that the reasons why you advocate the support of this bill in your testimony is a part of the reason why we have written the bill just the way we have.

I think at one point you mentioned something that is very, very important indeed. HEW historically has been concerned with people and services even though we recognize some defects in that Department we think it would be much better to place the program there than under LEAA which has always been very, very concerned just with law enforcement.

Thank you very much for your testimony.

Mr. PLUMLEY. Thank you.

Mr. HAWKINS. Mr. Steiger.

Mr. STEIGER. I listened with interest to the gentlelady from New York.

Mr. Plumley, you make a very good statement. I am grateful to you. But I must say that I end up in the position of saying, "Pox on all of your houses." Clearly HEW did just an abominably bad job in this program in the past. Clearly LEAA started out not doing terribly well.

You come down on the side of HEW because you say that with legislation they will do a better job. Yet I am intrigued by the statement in your testimony that—and I will quote it to you, if I may—"it is our observation that stimulus"—referring to "progressive, innovative, sensible programs"—"comes from local and State level of government." "We know that individual programs themselves do not comprise what can be called a 'Federal' effort to reduce delinquency."

I think that is accurate and very perceptive. I get all through and I say there is a Hobbsean choice with which we are faced. HEW with its past record emphasizing a topdown approach on the one hand, and LEAA which, if it has done nothing else, has begun to develop a system of strengthening from the bottom up.

Why can't you marry the two? Why isn't it possible to provide the same kind of legislative mandate and authority and direction to LEAA as it is to HEW?

Mr. PLUMLEY. I think that could be done organizationally or legislatively. However, I think philosophically that HEW is a more proper place than LEAA.

One of the principal reasons in my opinion is that we have a great deal to gain if the past records indicate what I believe to be true by diverting from the criminal justice system youth rather than placing them in it.

It seems to me that HEW has no conflict of interest in this respect. I believe that LEAA does.

Mr. STEIGER. What if one attempted to marry the two agencies in a more rational way than either of the approaches that are really now before us?

Could you devise a system that provided the concept of a significant role for HEW with the State planning agencies while existing through LEAA? Can you do it in that fashion?

I recognize the point you have just made about potential conflict between the justice system as it exists and diversion from the justice system. That is a very valid point.

But if the existing agencies at the State level are broadened and if we bring into them groups at the planning level, how do we provide for a strong, viable method of handling this capability of local and state groups trying to get together to deal with the totality of the problem?

Mr. PLUMLEY. You pose a very serious question for me, sir. You said what would I think of the marriage of these two agencies. Rather than reply directly to your query, if I may, we contemplated perhaps not that arrangement but we saw the problem you outline. This is the reason we at first considered an independent agency.

However, we have come down on the side, as indicated for the philosophical reason that I outlined to you—there is not going to be any easy way to bring this thing about, as I am sure we are all aware.

We believe that with a strong mandate from the Congress toward HEW providing that the provisions outlined in this bill are followed and implemented, that this is the proper way to tackle this problem.

I haven't answered your question. I am not sure in my own mind it is susceptible of an answer. The marriage of the two somehow is not appealing to me.

Mr. STEIGER. Thank you very much.

Mr. HAWKINS. Mr. Plumley, isn't it true that there may be a difference in the work of those who deal with hardened criminals and those who deal with juvenile offenders, many of whom are truant or not serious criminals in the strict sense?

Can we expect a policeman who deals with a hardened criminal to be at the same time conversant with any sympathetic to the problems of those who are not. Isn't there really a distinction to be made and for this reason LEAA is not necessarily equipped, possibly, to deal with this problem?

Mr. PLUMLEY. I think your distinction is a very valid one, sir. This is one of the great things in dealing with young people, in our opinion. Stigmas last a long time and records last forever.

You can possibly achieve a result without either the stigma or the record. It is our opinion that you have made a step for youth for all their life and we quite agree with you that there is a great necessity for diversion away from the institutionalized justice system without the little items of statistics. That seems relevant to me in response to your question, sir.

If you look at the return rate among juveniles who have been institutionalized, their repeat rate, it increases as the length of the first stay in the institution increased.

If some people say "a little discipline may make them fly straight," that appears to be diametrically contradicted by the record itself.

Mr. HAWKINS. As you realize, H.R. 6265 does propose an independent agency. However, I found that we couldn't settle that and the alternative appeared to be HEW.

I think I have gone through the same troublesome reasoning that you and the National Council have gone through.

I think we are trying to work out a reasonable compromise.

I certainly agree with your statement that in many ways the Senate bill comes nearer to being ideal than the House bill.

With that I would like to again thank you and your associates for this opportunity to share our concerns with you.

Again I regret that time just doesn't permit us to ask all the questions we would like to.

Mr. PLUMLEY. Thank you very much, sir.

Mr. HAWKINS. Thank you very much.

The subcommittee is adjourned.

[Whereupon, at 12:07 p.m., the subcommittee adjourned.]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND RUNAWAY YOUTH

TUESDAY, MAY 21, 1974

House of Representatives,
Subcommittee on Equal Opportunities,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 9:35 a.m., pursuant to call, in room 2257, Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee) presiding.

Present: Representatives Hawkins, Perkins, Chisholm, Benitez, and Lehman.

Also present: Representatives Andrew Young and Stokes.

Mr. Hawkins. The Subcommittee on Equal Opportunities of the Committee on Education and Labor is called to order.

The chairman would like to announce that today the Chair is being turned over to our distinguished colleague, Mrs. Chisholm of New York, primarily because of her tremendous dedication and interest in this subject. The Chair would also like to announce that sometime during the hearing, he must go to the Rule Committee in order to try to get a rule for the OEO bill which was reported out by this committee. I must absent myself and that is the reason for it.

At this time, it is with a great deal of pleasure that I turn over to the distinguished lady from New York the gavel. She will preside over this session.

Mrs. Chisholm. Thank you very much, Mr. Chairman. It is very, very important in light of what is happening in our country today with respect to where we are 20 years after the famous *Brown* decision, it is important that we recognize that as we attempt to desegregate there are problems that are emerging on the educational scene.

One of the problems we are very concerned about is the problem of the student push-out, particularly in the Southern region of this country, where, for the first time in many States, large numbers of black children are beginning to attend schools where there are large numbers of white children.

In some ways it would seem there has not been a psychological preparation or a basic understanding of some of the problems that appear in such educational situations. Consequently, when school systems are not able to cope with the uniqueness and specific needs of black children moving into these areas, we find the development of discipline problems. We find these children being forced out of school without any kind of follow-up. In many instances, they will become the juvenile delinquents.

In order to get substantive information on this question, we have decided to call in witnesses who can shed some light and give us facts which we might be able to use to come up with meaningful and helpful solutions.

At this time we will call to Mr. Leon Hall, director of the Southern Regional Council's School Desegregation Project. Come right up, Mr. Hall. You may proceed with your testimony.

STATEMENT BY LEON HALL, DIRECTOR, SOUTHERN REGIONAL COUNCIL, INC., ATLANTA, GEORGIA

My name is Leon Hall. I am director of the School Desegregation Project of the Southern Regional Council located in Atlanta, Georgia. My testimony today, May 21, 1974, on H.R. 6265 has been prepared jointly by the Southern Regional Council and the Robert F. Kennedy Memorial in Washington, D.C., organizations which share a deep concern for our nation's youth.

Specifically, my testimony deals with one portion of the South's youth population—*the pushout—the student who through discriminatory treatment and arbitrary actions of school authorities is excluded from school, or else is so alienated by the hostility of his or her school environment, leaves school.*

Society broadly defines acceptable educational behavior in terms of majority class morals and values. These values may have merit as standards for all and sometimes they may not, but when they are unfairly applied, they may then become weapons with which to reject and banish by suspension or expulsion many students who—due to a variety of reasons including lack of stimulation from educators—do not fit traditional criteria for achievement, who cannot or will not conform to the sometimes parochial values of school administrators. These include such offenses as the following: speaking opinion . . . argument . . . didn't want to sit by window and the teacher wouldn't close it . . . told white teacher if she moved me out of the seat, she should move white people too . . . teacher accused the student of saying something he didn't say . . . disrespect for the teacher . . . talking smart . . . pushing teacher when pushed . . . talking in class . . . laughing in class . . . disobeying classroom rules . . . not bringing books . . . not obeying orders . . . not working . . . not writing the preamble to the Constitution . . . not co-operating . . . not turning in senior proofs . . . not doing school work . . . not having money for pictures. Among these are increasing numbers of restless white and black youth who question society's values, and blacks who offend the status quo when brought into a white school majority or any school setting where the values of white middle-class society dominate. Thus a new category of classroom exile is created—the pushout.

In human terms, pushouts caused by discrimination result in large numbers of young people who lose hope and are marked by despair and bitterness. Often they "graduate" into the worlds of drugs, unemployment and welfare, contributing to the delinquency problem which is the subject of this hearing. Systems which produce large numbers of such persons are indefensible. As well, they produce great social costs, for they frustrate national educational goals, cause a huge waste in tax dollars, and produce a steady flow of persons marked for economic and social dependency.

It is noted with relief and appreciation that H.R. 6265 includes language relating specifically to Juvenile Justice, the need for preventing juvenile delinquency and providing for programs addressing these problems. This testimony seeks to support such needed legislation by illustrating and establishing the pushout phenomenon which ignores juvenile justice and which promotes juvenile delinquency, and to demonstrate the need for corrective measures.

Although the term "pushout" is defined in the above terms, the exact number of such students cannot categorically be measured by any means now used by educators. School systems do, indeed, compile dropout rates but this testimony does not equate the pushout with the dropout. Nor do the SRC and RFKM equate the pushout with the student suspended or expelled for just and specific disciplinary cause. Suspensions and expulsions are cited as suggestive of the dimensions of the pushout problem, not as one-to-one statistical documentation.

There are strong indications, however, that suspension and expulsion have been used as weapons of discrimination, especially in resisting increased desegregation and in some instances during protests for more general students' rights.

This is but the latest aspect of a long history of school struggles. Nearly a generation of children have entered school since the landmark U.S. Supreme Court declaration in 1954 that "separate educational facilities are inherently unequal." That *Brown v. Board of Education of Topeka* decision is recorded as a major victory in the continuing effort toward equal rights for minorities, but for many years *Brown* was not much more than a legal trophy.

Eight years passed after the *Brown* decision before there was a single desegregated school in such southern states as Alabama, Mississippi and South Carolina. After nine years, only one out of 100 black students was in a desegregated school and only one in 20 by 1965, even with the impetus of the 1964 Civil Rights Act. Change continued, however slowly, with the 1968 Supreme Court decision which ruled out a freedom-of-choice plan and held that school officials must eliminate segregation "root and branch." In 1969, a lower court required desegregation of school faculties, saying in the *Singleton v. Jackson Municipal Separate School District* decision that there could be no discrimination on the basis of race, color or national origin in hiring and firing teachers and administrators; this decision was later affirmed in another Supreme Court case.

In spite of these court victories, there were only about 38 percent of southern black students attending majority white schools by 1971.[1] This figure was only slightly better than the 33 percent national figures for black attending majority white schools.

Obviously, the work of dismantling the dual school system has only begun with the first generation of students since the 1954 decision. Attendance figures are but a partial view of the struggle for equal rights. The advent of the so-called unitary school systems in the South, where schools were declared neither black nor white but "just schools," saw the massive resistance of the 1960's replaced in the 1970's by more subtle discrimination and classroom segregation in the guise of such techniques as ability tracking. The price of desegregation included either the shutdown of black schools or their merger with other schools, *which in either case shifted to blacks the burden of adjustment to a new white authority structure in the hands of policy makers who have resisted desegregation through the years.* Non-white students are as accustomed to authority as whites, but when moved into a white-dominated school, the blacks, Chicanos, and Indians—North, South or West—too easily become special targets of policies which favor the white students and reject the traditions and culture of others.

Black students have been excluded from extracurricular activities, tracked into segregated classes and confronted with condescension or hostility. School confrontations are provoked through discrimination in disciplining black students, the use of Confederate symbols, and the displacement of black principals, teachers and coaches, which further reduces the numbers and varieties of positive models for black youth. The highly sensitive issue of bi-racial dating triggers disciplinary reaction from school officials, often for nothing more than an innocent and casual greeting. Dress codes and school regulations are too easily manipulated in an unfair and arbitrary manner to restrict contemporary student life styles, often first introduced by blacks. The curriculum remains oriented around white, middle-class, college-bound students.

Desegregation in and of itself does not produce pushouts. But often this continuing *resistance* to desegregation by educators has helped to create the climate for increased numbers of pushouts.

Several years ago we began to receive reports of in-school discrimination and of an escalating rate of suspensions and expulsions, especially among black student activists, both in the South and nationally. As reports increased, a fact-gathering effort was initiated, motivated by a painful awareness of the possible implications for the continued growth and liberation of black and poor Southerners. This potential loss for those who are already poor and only emerging from the harsh effects of generations of discrimination, carriers over as well in heavy economic and social costs in the larger community of the region and nation.

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[1] This is not to say that black students being in white schools is the totality of what desegregation should mean.

One can hurriedly conclude that continued resistance to desegregation is a separate phenomenon from juvenile justice and the problems of juvenile delinquency. But when one recognizes that students, young people, are the major victims of the movement against desegregated education and equal educational opportunity, and when one realizes that in many cases these victimized young people find their way into juvenile courts and the criminal justice system, the relationship between juvenile justice and continued resistance to desegregation becomes vivid and appreciable.

This testimony on H.R. 6265 contends that the pushout phenomenon results in placing countless thousands of young people in immediate danger of being labeled delinquent simply because their primary institutional affiliation is disrupted and no other is provided in its place—except eventually the criminal justice system. Further, that among these countless thousands, there are a significant number of young people who actually begin to engage (or increase their engagement) in delinquent behavior subsequent to being excluded from school. Finally, that all too often, the exclusions of young people from public schools is based on infractions of trivial, unnecessary, useless, and sometimes unconstitutional regulations—thus increasing the alienation of young people from the law, escalating frustration and rage, and generally promoting the conditions which are quite conducive to delinquent behavior.

DOCUMENTING THE PUSHOUT PHENOMENON

The staff of the Southern Regional Council's School Desegregation Project talked with students, teachers, administrators, government and community leaders and lawmakers in eight Southern states to glean attitudes, experiences and suggestions. In four of those states, investigative journalists went to school districts where they talked with educators and community leaders about rules, regulations, practices and disciplinary methods, as well as educational alternatives to pushing students out of school. Supplemental information was gathered in three additional states, and extensive research undertaken at the federal level by the Robert F. Kennedy Memorial.

Most observers acknowledge the need for rules and the power to enforce them. The pragmatic observer will concede that there are those individual young students, just as there are adults, who finally will not or cannot conform to any societal standards. The misuse of disciplinary tools, often occurs, however, because racial, cultural and generation difference cloud the judgment and actions of teachers and administrators alike.

Perhaps the easiest way of documenting this phenomenon—through the most painful—is simply to talk with young people who are out of school. The stories these young people tell substantiate in horrifying detail the Carnegie Commission's finding that they have been subjected to "oppressive and petty rules which give their schools a repressive, almost prison-like atmosphere." Consider the following examples:

A black sophomore in a Mississippi school described this series of events:

"On April 28, 1972, there was a series of racial fights. So I left campus because I knew that the principal was going to put the blame on me because of threats he had made to me. But I had to return to school right after I had left, because I had a history contract to do so I had to get my book. On my way back to the building, the principal confronted me saying, 'Get off campus . . . you're trespassing.' He continuously harassed me so I snatched away from him and he said come to the office, called my grandmother and told her a lot of jive I was supposed to have done. They put us in the paddy-wagon and took us to the station. I spent three days in jail. I stayed out of school two days after I got out (of jail) because the principal said so. I was supposed to have a trial, but it was postponed two times."

For many students, black and white, hope fades with a suspension or expulsion. One, a black male senior from Arkansas reflected the mood:

"Down here, usually if a student is expelled, he does not return to school. Period. Most times he'll work on the farm with his parents or share crop."

A black youth from Arkansas described his experience:

"Last year, about four weeks after school started, I got into a fight with a white boy and was suspended from September 15 to January 15, but still the other boy started the fight. The white boy was only suspended for seven days and there were black people and whites who saw who and how the fight started."

The same youth reported that his older brother was out of town and two days late for the registration deadline and was suspended for a whole school year.

A black junior in South Carolina charged discrimination but she was equally concerned about the school time lost during suspensions.

"I think it's unfair for a student to be expelled from school for being tardy, because a lot is going on in school these days and when you're absent, you miss a lot. I think you should be given something to write or maybe stay after school. A certain incident occurred this year between a black and a white student. They were fighting. The black student was expelled, but not the white. The black had to appear in court. This is unfair. In class, the white comes first. It's hard to get along sometimes."

A white student in Florida said:

"I have been suspended on two occasions for reasons that were not true (a dress code violation, a demonstration and forging a hall pass). I feel that if a student gets in trouble once, he better look out, because administrators hold grudges. They suspended me on a description given by the teacher to the dean. But they would not let the teacher come to the hearing to identify me by face. I also knew who the teacher was. When I requested that he be there, the dean told me to 'shut up.'"

According to student reports, the most numerous offenses leading to suspensions or expulsions are conflict with teachers and administrators and fighting among students.

Student activists are obvious targets of discipline, some for clear reasons, some for questionable cause: being a leader in a walk out . . . wearing a black arm band . . . boycotts . . . sit-ins.

A black student, now in college, summed up her high school experience this way:

"My high school was substantially desegregated in mid 1970–71. Some of the black students were branded as black militants and trouble-makers by the white administration. There was even what was known as the "Black List" on which were many of these students' names. These students, in many cases, were bullied by the white administration. These were students fighting for their rights. Many blacks were suspended or expelled for such things as chewing gum in class, waving to someone outside the classroom, being suspected of fighting, being suspected of burning a poster, and supposed insubordination. After being bullied and suspended or expelled so many times, some of these students left school, never to return. This past term (1971–72), some of the blacks were apathetic. Others were brainwashed into believing that everything was all right. Still there were others who had just given up hope."

A black student from North Carolina told this story:

"Whenever there is a racial disturbance, it is always the blacks who are kicked out. I know of only one time when a white was suspended for fighting. When we had this last racial disturbance and I got kicked out, they gave me 10 days and the white boy didn't get any. Whenever two blacks are fighting each other, both of the students got suspended. Something needs to be done, because it seems to me as though they just want the blacks out of school anyway."

Many students complained of discipline resulting from clearly racial motivations on the part of administrators. One said he was suspended for "talking with a white girl." Another said he was suspended for "going with a white girl and sitting and talking with her on the lawn." A third charged that he was expelled for "eating lunch on the white side of the lunchroom." Discrimination, excessively severe discipline and unfair application of authority all drew heavy criticism from students.

White students' comments revealed support for order and rules to maintain order, young people sharply criticized the arbitrary nature of the rules, the unequal application of them, including what they viewed as open discrimination, the misuse of authority, and the failure of teachers and administrators to see and understand deep-rooted personal social and other factors which often cause misbehavior.

Nor does it seem that students are being unjust in their criticisms. Given these case studies one must question the motivation behind such suspensions and expulsions. When these questions were raised with community workers, school teachers and school administrators many of the responses inadvertently contained racial biases.

The comments of two Georgia educators in different school systems exacerbate our concerns: one official described racial overtones as an excuse and a smokescreen. He stated that, "race was just an excuse and all the discussion of race was just riding it to death". The educator concluded that the problems sprang from the home environment, that a student's "acting up" in school was a symptom of that background. He defined the main reason for suspensions in his system as "a refusal of the child to accept corporal punishment for minor offenses."

The second educator referred to suspensions as a method of communicating with parents. "Suspensions are a good influence on kids . . . The courts have locked schools in and tied our hands by eliminating corporal punishment. Suspension provides direct involvement with the parents, more suspensions will be coming."

"Whites may be more accustomed to an authoritarian atmosphere," a Louisiana educator stated. "When a white student is told by a teacher to do something, he is accustomed to doing it without asking why, while the black pupil often challenged the teacher's authority and got in trouble for it."

When substantial desegregation at the secondary level in one Arkansas school system was achieved three years ago, suspensions for "defiance" and "disrespect" shot up along with the number of black students suspended, said one administrator.

The administrator credited this in part to what he saw as differences in attitudes toward punctuality in the district's black and white schools. "When desegregation first occurred at the secondary level," he said, "blacks were put into a predominantly white setting where there were entirely different attitudes toward schedules, promptness, and so on. The segregated schools which black students had been attending were not as oriented toward time schedules. The black students ran into different expectations (at desegregated schools). Tardiness was a major violation.

"The black students got the idea that the regulations had been instituted to persecute blacks. It took a couple of years for them to realize that the rules didn't observe deliberate bias in white teachers, he found fault with their had existed before and for them to adapt to the stricter regulations."[2]

The administrator also said that much of the problem stemmed from black students being told to expect discrimination. This led to their anticipating mistreatment upon arrival at newly integrated schools. Although he said he lack of experience in working with blacks, which leads to failure by teachers to see and teach blacks as individuals. The administrator also said that busing and the resulting disjointed attendance zones had contributed to disciplinary problems by weakening the relationship between the child and his school. However, he said, white students are accepting the authority of black teachers and administrators more than black pupils are accepting white authority.

"I guess they (black students) have had so much crammed down their throats that when they get a little breathing space, they tend to over-breathe," he added.

A Little Rock attorney noted that blacks are frequently dismissed from school when they are involved in an offense, whereas whites are not. He said that black students have been expelled for "sexual reasons" (illegitimate pregnancies, marriage), for being disrespectful, and for questioning a teacher's authority. Archaic and restrictive dress codes, he said, are widespread, in spite of court rulings against them, and some blacks have been suspended for wearing Afrotype hair styles.

A Louisiana educator concluded that:

"The disrespect white teachers read into the actions of black students may not have been that at all, but the students are often suspended for being disrespectful anyway. And the same thing happens to white students with black teachers."

Another Louisianan, a committed (community) worker, stated that the problem of suspension, "crosses all color, sex and age lines." The source reported that suspension is being used increasingly since schools in the state have begun to integrate.

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[2] The School Desegregation Project staff observed, in their work with students across the South, that, in contrast to these observations, regulations in majority black schools were often just as strict as in majority white schools.

"Before, it (suspension or expulsion) was only for serious offenses, but now it's for the least little thing and the terminology often does have racial overtones."

Beyond these remarks identifying racial discrimination as a factor paramount in the pushout phenomenon, additional call for concern exists in the story told by available statistics on suspension and expulsion in southern schools.[3] The disproportionate number of black students being suspended and expelled from schools builds a strong *prima facie* case for racial discrimination.

In the limited amount of federal data available, patterns of discrimination also emerge, with districts in which 90 percent of the nation's minority students are enrolled showing the expulsion rate for black students to be three times that non-minority students (1970-71). University Desegregation Centers in eight states further confirmed the problem of increased numbers of suspensions and expulsions, especially in newly desegregated schools.

Suspensions and expulsions in the state of Florida are illustrative of the magnitude of the (pushout) problem throughout the South. "Black students last year were suspended and expelled from Florida schools at a rate two and a half times higher than the rates for whites," according to a report of the Governor's Task Force on Disrupted Youth. And the *Miami Herald* reports that, "in seven of ten South Florida counties, blacks were ejected from school at an even higher rate—as much as four times the rate for white students."

Statewide, 80,023 students were suspended and expelled during the 1972–73 school year according to an annual desegregation survey required by the U.S. Department of Health, Education and Welfare's Office of Civil Rights. Of the 80,023 suspended, 35,037 (forty-five percent) were black, although blacks only comprised twenty-three percent of the state's public school enrollment last year. On a per-capita basis (i.e., compared to the number of students of each race enrolled in Florida schools in 1972–73), blacks were about two and a half times more likely than whites to be suspended and nearly three times more likely to be expelled.

One of the more flagrant documented cases of in-school discrimination is Little Rock, Arkansas. One reason this case stands out, however, is that educators are concerned enough to gather data as a first step in solving their problems. Only suspensions are shown, since the term "expulsion" is not used, as one administrator said, because of the "stigma and psychological weight of the word."

In 1968–69, with little desegregation of Little Rock secondary schools, there were 1,329 suspensions, including 829 black students. Blacks accounted for 62.4 percent of the total suspended, although they made up but 28 percent of the high school and 35 percent of the junior high school population.

The next year, with limited student desegregation but considerable faculty desegregation, suspensions, rose to 1,643 students, of which 1,136 (69.1 percent) were black.

Suspensions dropped slightly in 1970–71, but the black percentage rose. That was the year the 10th grade was desegregated and the total number of suspensions was 1,525, of which 1,119 (73.4 percent) were black.

In 1971–72, the population was 33.4 percent black in high schools and 42.1 percent in junior highs. That year was the first of major desegregation, thus putting many students into new schools. There were 1,881 suspensions, including 1,504 blacks (79.9 percent).

The following chart further illustrates the wide spread use and often misuse of the practice of suspending and expelling young people from public schools.

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[3] Accurate and comprehensive statistics on suspensions and expulsions, by race, are unavailable in most states and school districts (although expulsion figures have been and suspensions are now reported annually to HEW). As far as we know, nowhere do statistics reflect grounds for expulsion and suspension, the duration of time suspended and expelled students are out of school, or the relationship between being suspended or expelled and becoming a juvenile delinquent.

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SCHOOL DISTRICTS WITH PROMINENT DISCIPLINARY PROBLEMS—ALL GRADES

District	Total number of students			Total number of Black Students		Total number suspended				Total number expelled			
	Black	White	Total	Number	Percentage	Black	Percentage	White	Total	Black	Percentage	White	Total
Georgia:													
Putnam County	1, 448	627	2, 075	1, 448	70	104	85	17	121	13	86	2	15
Baldwin County	3, 173	3, 168	6, 341	3, 173	50	424	72	161	585	6	50	6	12
Clarke County	3, 889	6, 609	10, 498	3, 889	37	376	74	130	506	20	87	3	23
Hall County	936	10, 304	11, 240	936	8	118	25	345	463	0	0	2	2
Lanier County	523	853	1, 376	523	38	27	82	6	33	13	76	4	17
Totals	9, 969	21, 561	31, 530	9, 969	32	1, 049	61	659	1, 708	52	75	17	69
South Carolina:													
Greenwood No. 50	3, 675	6, 256	9, 931	3, 675	37	677	63	401	1, 078	1	100	0	1
Marlboro County	4, 285	3, 500	7, 785	4, 285	55	249	81	60	309	8	89	1	9
Salula County No. 1	984	984	1, 968	984	50	39	75	13	52	2	50	2	4
York County No. 2	760	2, 009	2, 769	760	27	114	45	139	253	7	58	5	12
Totals	9, 704	12, 749	22, 453	9, 704	43	1, 079	64	613	1, 692	18	69	8	26
Florida:													
Hillsborough County	21, 359	72, 483	113, 842	21, 359	19	2, 850	41	4, 080	7, 930	8	33	16	24
Lee County	4, 514	22, 129	26, 643	4, 514	17	784	44	1, 005	1, 789	5	71	2	7
Manatee County	3, 993	15, 496	19, 489	3, 993	20	671	46	780	1, 451	0	0	0	0
Madison County	2, 063	1, 582	3, 645	2, 063	57	63	78	18	81	2	100	0	2
Totals	31, 929	131, 690	163, 619	31, 929	20	4, 368	43	5, 883	10, 251	15	45	18	33
North Carolina:													
Gates	1, 546	771	2, 317	1, 546	67	58	73	21	79	10	100	0	10
High Point	3, 942	7, 431	11, 373	3, 942	35	253	61	163	416	31	54	26	57
Charlotte	25, 821	53, 992	79, 813	25, 821	32	2, 151	60	1, 420	3, 571	94	87	14	108
Raleigh	6, 871	14, 361	21, 232	6, 871	32	572	64	277	849	22	88	3	25
Matesville	1, 374	2, 694	4, 068	1, 374	34	275	68	132	407	20	83	4	24
Totals	39, 554	79, 249	118, 803	39, 554	33	3, 309	62	2, 013	5, 322	177	79	47	224

Data compiled from information submitted by school Districts on OS/OCR 101 & 102 Forms (1972-73).

The districts included in this chart were not selectively chosen. Our staff decided to take a random look at files contained in the Department of Health Education and Welfare's Office of Civil Rights in our on-going montoring of school districts in respect to the pushout phenomenon. In no way do these districts represent the best or worst, but they all very clearly are disproportionatly suspending and expelling black students.

It is difficult to say with statistical certainty what happens to young people who are pushed out of public schools. (Neither the LEAA or the department of Health, Education and Welfare can presently provide data on the in/out of school status of juvenile offenders—or of 16–18 year olds who who are legal offenders.) As the case studies above indicate, however, it is reasonable to assume that pushout causes thousands of young people to be put in a dangerously fragile situation which might best be described as "pre-delinquent."

PUSHOUTS-THE COSTS

Too many intangibles of quantity and quality prohibit the meaningful measurement of the total benefits accruing from a high school education. While there are hazards in measuring educational benefits in economic terms, the dollar, at least, offers a generally acceptable gross measuring device. Some rough calculations of the magnitude of personal and social costs are available to show the effect of an individual's life of the absence of a high school education.

Concentrating solely on southern blacks, the following table shows lifetime income losses for males and females resulting from non-graduation, on a state by state basis.

LIFETIME INCOME LOSSES FOR SOUTHERN BLACKS[1]

State	Male	Female
Alabama	$47, 247	$38, 174
Arkansas	45, 877	42, 453
Florida	54, 180	34, 408
Georgia	61, 804	53, 067
Louisiana	45, 337	38, 431
Mississippi	55, 036	46, 049
North Carolina	51, 783	41, 683
South Carolina	43, 652	45, 877
Tennessee	50, 585	41, 170
Texas	45, 364	44, 423
Virginia	36, 377	42, 968

[1] Derived from 1970 Census of Population, Vol. II, Detailed Social and Economic Characteristics; Table 197. Differentials among the states for both sexes, and between the sexes, are attributable to many factors. Potential income for individuals, regardless of race, varies from state to state, based on general economic conditions. In addition, opportunities for blacks as a group vary as does the extent of female participation in the work force.

SOCIAL COSTS

The costs of society of an individual not completing high school are incurred at both abstract and more measurable levels. The abstraction of personal loss can be generalized—a society in which a large portion of its population has limited awareness is a limited society. Whenever a minority is pushed out of school, the quality of our national life is diminished. Gross generalizations, however, regardless of their intrinsic truth, lack economic impact. Social costs might best be considered in terms of fairly measurable costs, incurred by other members of society as a result of an individual's not completing high school.

For example, as a person receives more income, he typically pays more taxes. In the $6–10 thousand income range, characteristic of most high school graduates, an extra dollar of income results in a tax payment of roughly 37¢.[5] Therefore, every male graduate from high school may be expected to pay, over his lifetime, as much as $49,000 in federal, state and local taxes $29,000 for females).[6] The comparable figures just for black males and females respectively are $33,000 and $32,000. Therefore, whenever a school administrator takes severe disciplinary action which has the effect of preventing a young black person from completing high school, potentially he is depriving federal, state and local governments of between $32,000 and $33,000 in tax revenues over the life of that person as compared to a high school graduate.

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[5] *Who Paid Taxes in 1968* by Roger A. Herriot and Herman P. Miller, U.S. Bureau of Census.

[6] Due to a large number of factors affecting tax rates during a lifetime, computation of expected tax payments is not strictly a function of the 37¢ per dollar estimate.

Only a fraction of the discernible personal and social costs resulting from an individual's non-completion of high school has been described. The probable correlation between inadequate education and crime, and the resulting direct and indirect costs to society, are additional factors that could be considered. That a more educated work force is likely to be a more productive one producing better goods at lower costs is generally accepted. Even a cursory analysis indicates that total national costs due to non-completion of high school are measurable annually on the order of billions of dollars.

But the personal costs are far greater in terms of unfulfilled lives. While it is hard to determine the waste in personal potential for a student who does not complete high school, the results are more likely to be inability to find employment adequate to support a family, the necessity to depend on the welfare system for help, the chance of slipping into crime, or, at the very least, discouragement, boredom and apathy.

In conclusion, I would like to re-emphasize to the sub-committee that the position of the Robert F. Kennedy Memorial and the Southern Regional Council is for the removal of any obstacle to equal educational opportunity for all Americans in our nation's public schools.

Certainly, we can agree that such opportunity for many of this nation's children is as yet an unfulfilled goal. We believe that the present system that educates some and excludes others—poor and minority Americans across the country—from the educational process perpetuates the racial divisions that continue to plague our region and our nation. An equally serious result of our present educational situation is the one I have been describing—the student pushout—who generally faces a life of severely diminished opportunity and is a likely candidate for delinquency and crime, the subject of today's hearing.

However, by no means is it my intention or purpose to leave the impression that all pushouts are juvenile delinquents. (Nor is it my intention to suggest that all teachers and administrators are pushing students out of school.) For while researching the student pushout problem, the staff of the Kennedy Memorial and the Council's School Desegregation Project staff were continually heartened by the discovery that most student pushouts, in spite of their sometimes intolerable public school experiences, nevertheless retain their interest in acquiring a formal education.

For example, the South Carolina student with the A average who complained of the "Black List" and was assured by her principal that he would see to it that she never got into college, has entered college and is determined to graduate.

Unfortunately, there are many other pushouts who are not as successful and who are subjects of this hearing. The young man in Mississippi who was arrested for "trespassing" at his school is now a fugitive from the law and stated to me a few months ago that "I will die before I go to jail." He is one of a growing number of southern black youths, usually males, who refuses to be "cowed down" in school and who is severely disciplined, driven from school and into the world of delinquency.

Those charged with the responsibility for providing equal educational opportunity—teachers, administrators and leaders in government—and their constituents are derelict if they do not look closely at school practices and generate reform where it is needed. The thousands of students pushed out of school by in-school discrimination and those other thousands who remain in school but are subjected to discrimination daily, demand and must have relief.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion No. 1

It is the conclusion of the Robert F. Kennedy Memorial and the Southern Regional Council that a direct relationship exists between the process of pushing students out of school and juvenile delinquency. As we have documented the phenomenon in the southern region, we recognize the absence of programs and processes to ensure maximum education of the region's youth and likewise to prevent many students from being disciplined within the criminal justice system. There is enough evidence to conclude that the use of suspension and expulsion policies for the punishment of infractions of school regulations has greatly increased in many areas in the South over the past several years, and that the increase seems to be directly related to resisting major desegregation. Available information also indicates that in many school districts suspension and expulsion rates among black students are remarkably higher than among white students. Overall rates in *some* areas appear to be leveling off or dropping somewhat after the initial year or two of desegregation, but they generally remain very high, and in some districts continue to increase. Regretably, we must conclude that many school systems by enforcing disciplinary policies in discriminatory and arbitrary manners are, in fact, facilitating this process of delinquency. As asserted in the body of this testimony, *all* educators are not the protagonists of this problem, but our research indicates that a small core of teachers in many of the schools that have serious pushout problems are responsible for a large proportion of suspension and expulsions.[7]

Recommendations

1. Because the goal of public schools is to educate young people, suspension and expulsion measures should be reserved for the most extreme violations of school rules, and they should be applied in a fair and even-handed manner.

2. Attempts should be made to substitute corrective discipline for purely punitive discipline. Alternative discipline procedures should be considered as a positive approach to replace or at least greatly lessen the use of suspension and expulsion. Examples of alternative approaches include more and better use of student-oriented counseling, including a student-to-student approach with referral for outside help where appropriate, endorsement of half-way houses and group foster homes for referral, and help with a variety of personal problems. This support for alternatives, however, does not extend to those special adjustment schools initiated and supported by LEAA. Knowledgeable observers report that these schools merely shift the burden from the regular school system and have historically been spawning grounds for delinquency and crime.

3. We recommend that in allocating funds either directly to local governments or indirectly through state agencies that such local agencies be denied funds where HEW-OCR statistics and/or other credible sources show clearly disproportionate suspension and/or expulsion of black students or other minority students which would indicate racially discriminatory and/or arbitrary enforcement of school policies, until such time that the applicant clearly establishes that such factors were in no way related to resultant statistics.

4. We further recommend that monitoring of local education agencies involved directly or indirectly with programs subsequent to and/or pursuant to H.R. 6265 be conducted by the National Director and his staff to ensure that disciplinary policies would not have the effect of excluding large numbers of youth thus making them susceptable to the juvenile justice or criminal justice systems.

5. Based on Title II, section 203 of H.R. 6265, we recommend that as a prerequisite to initial funding and on an annual basis thereafter the "state agency" be required, through a comprehensive survey to ascertain the relationship between in-school discipline—suspensions and expulsions especially—and juvenile delinquency. Subsequent to a positive determination the state should provide in conjunction with the local educational community (meaning the local educational agency, Parent-Teacher-Student Organization, and other student and adult groups), programs to arrest this source of delinquency and to assist those already victimized.

Conclusion No. 2

Those most directly and most profoundly affected by desegregation—students—have, with a few salutary exceptions, been excluded from planning, implementing, monitoring and improving school desegregation programs. And yet desegregation has clearly been most successful—and generally least likely to engender pushouts—where students have been meaningfully involved from the outset. Traditional approaches to "student involvement," including most of the biracial student advisory committees established pursuant to ESAP regulations, have produced little more than tokenism and window-dressing, and have generally tended to treat students as objects to be manipulated rather than as *bona fide* participants in the decision-making process. A central purpose of this testimony is to assist in reversing the historically cynical use of students, and to encourage local structures and processes that genuinely involve students as persons capable of unique and invaluable contributions to the prevention and solution of desegregation problems, and to the achievement of quality, integrated education especially when such involvement simultaneously results in decreasing numbers of students likely to become delinquent. There is no better place to help students prepare for responsible roles in our democracy than as active participants in the quest for equal educational opportunity.

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[7] This conclusion has also been made by a Florida education task force (Governor's Task Force on Disrupted Youth). The task force, based on a random sample of statistical data, concluded that a core of four or five teachers could be identified as having recommended approximately 80% of the suspension/expulsions.

Recommendations

1. No recommendation of this testimony carries greater importance or urgency than that of school districts participating in resultant programs of this bill be required to provide a formal and meaningful role for students in planning and executing desegregation programs as well as programs ensuring juvenile justice and preventing juvenile delinquency. Multiracial advisory committees—such as those now required of ESAA grantees (advisory committees must also reflect equitable representation of women)—can fill such a role *if* (a) their members are truly representative of the entire community; (b) they are vested with formal authority; (c) they are responsible for performing specific functions, such as evaluating and making recommendations for improving program inclusive of improving in-school environments. These specific functions should include monitoring and review processes performed by advisory committees the results of which the national director of the Juvenile Delinquency Prevention Office and his staff should rely on for planning and execution of future work; and (d) formal safeguards exist to assure the integrity of the student role in decision-making, vis-a-vis teachers, school administrators, and local school boards. Merely token student roles should be considered to constitute serious violations of subsequent regulations mandating student involvement.

2. It has not proven sufficient merely to create a committee to ensure representation of and input from a broader constituency within that area to be served. Experiences with ESAA-SAC's show that even though students are adequately represented, this is representation in the narrowest sense of the word. Students on these committees have been left with no understanding of the program it is parented by, no knowledge of its intended purposes, and no awareness of available resources or how to identify resources. It, therefore, becomes compulsory that such advisory committees not simply be established, but that the members of the committee, especially youth members, be made aware of the committee's purpose, power, and available resources.

3. In those school districts and individual schools affected by programs pursuant to H.R. 6265, students should specifically be involved in writing, revising, and administering school rules and disciplinary codes, in dealing with problems that lead to disciplinary proceedings, and in exploring alternatives to severe disciplinary sanctions such as suspension and expulsion.

4. We recommend that the composition of the National Advisory Council for Juvenile Delinquency Prevention include secondary school students within the designated positions for those seven members who have not attained twenty-six years of age. Selection of the composition of the above portion of the National Advisory Council for Juvenile Delinquency Prevention should not be limited to those who have corrections administration experience.

Conclusion No. 3

Principals, teachers, and counselors vary widely in their application of disciplinary measures, especially in the use of suspension and expulsion, and especially against black students. Their authority to use these measures also varies. Concentration of decision-making authority in a few school officials multiplies the likelihood of prejudice or unfairness is disciplinary proceedings. Due process in disciplinary cases is often not provided to students or is employed with irrational variation. Rules and regulations vary equally as much; they are sometimes in writing, sometimes not; and if they are in writing, students often are unaware of that fact or have not been given the written codes. Thus, students frequently neither understand nor respect the rules, and face unfair treatment when violations occur. State laws and regulations relating to school attendance, the definition of infractions and provision of due process, the authority and powers of superintendents and principals, and the use of suspension and expulsion vary considerably. State laws are often negative in concept, and the positive responsibility of the state to education young people in non-discriminatory public schools is neither stated nor, in most cases, accepted as a mandate. All of these variables, we contend, contribute to the process of juvenile delinquency.

Recommendations

1. Students are fully entitled to procedural due process, which should always include at least notice of charges, notice of adverse witnesses and testimony, a fair hearing in which accused students may present supporting evidence and witnesses and be represented by an attorney, and the requirement of substantial evidence as a basis for any serious disciplinary action.

2. The basic laws of each state and their regulatory guidelines must be in line with the *U.S. Constitution* and be written in a general but unambiguous enough way to allow for flexible but non-discriminatory use in the formulation of reasonable and fair school regulations.

3. Within any given school district, and the greatest extent possible within any given state, school codes and regulations should be uniform, reasonable, and oriented to contemporary cultural life styles in our pluralistic society. In particular, archaic and restrictive codes for dress and grooming should be eliminated.

4. All states should formulate for themselves a positive statement, within the law, that embodies the responsibility of states for the education of young people in desegregated and non-discriminatory schools.

5. State agencies and school districts should create offices of human and race relations that have powers to mediate disputes concerning student conduct as well as the responsibility to develop in-serevice human relations and cultural pluralism training programs for all future teachers, counselors and administrators.

6. State offices should conduct regular annual surveys of school desegregation progress as well as attendant problems. They should develop guidelines for handling the problem of increased use of suspensions and expulsions, and offer positive suggestions and assistance in developing alternatives to severe disciplinary measures.

Conclusion No. 4

Accurate and comprehensive statistics on suspensions and expulsions, by race, are unavailable in most states and school districts (although expulsion figures are reported annually to HEW). As far as we know, nowhere do statistics state grounds for expulsion and suspension, the duration of time suspended and expelled students are out of school, or the relationship between being suspended or expelled, becoming a dropout and/or juvenile delinquent. HEW makes extremely limited and unimaginative use of the data collected annually through OS CR 101 forms and until this school year has never attempted to gather statistics on suspensions. The collection, maintenance, and creative use of pushout-related data must become a high priority of Federal, state and local officials responsible for ensuring equal oppertunities in American education.

Recommendations

1. The proposed National Office of Juvenile Delinquency Prevention should be required through comprehensive documentation to ascertain to what degree a positive relationship between the pushout phenomenon and young people involved in the juvenile justice system exists. This office could then isolate causative factors and suggest processes for solutions. The collection of such data should be specifically utilized for purposes of reform and must not be be used to the detriment of any individual or group.

2. HEW should make far greater use of the vast amounts of push-out-related data it collects via OS CR 101 forms and ESAA applications. Advanced computer analysis of this data (including multiple cross tabulations) should be routinely generated and up-dated: current 101 form is computerized but is virtually unused. Data analysis should be made readily available to concerned private organizations.

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Conclusion No. 5

The action and initiative of private organizations and individuals has been of crucial importance to the struggle against racial discrimination in education during the two decades since *Brown v. Board of Education*, and will continue to be vitally important in seeking to eliminate in-school discrimination and pushouts. The efforts of concerned private parties need to be strengthened and coordinated through a series of administrative, legal, and para-legal strategies specifically designed to remove the causes of minority student displacement in desegregated schools. Such strategies will be crucial not only in overcoming the southern pushout problems, but also in stopping a proliferation of pushouts throughout the rest of the nation, as well as abating the flow of these young people into the juvenile justice system as delinquents.

Recommendation

Organizations who have participated in past efforts to resolve the problems or racial discrimination in the schools should be eligible for grants under Section 204 of this bill. We further recommend that 50% of funds allocated under this proposed bill be directed to such independent organizations.

STATEMENT OF LEON HALL, DIRECTOR, SCHOOL DESEGREGATION PROJECT, SOUTHERN REGIONAL COUNCIL, ATLANTA, GA.

Mr. HALL. I am certainly glad to be here to represent the southern regional council and the Robert Kennedy Memorial. I wish to make special emphasis in regard to this particular bill being debated in the House, H.R. 6265, and the problem of the push-out, the student push-out.

I have spent the better part of four years studying the dynamics of school desegregation and observing how it has unfolded with specific instances that may crop up preventing the attainment of further education.

I would like to digress a little bit and tell about some of my personal experiences with the Council.

I grew up in a southern community; went to an all-Black school. Somehow I went afoul of the established code of conduct. I was suspended, expelled, involved with the juvenile authorities within my local community, and fortunately, simultaneously with my introduction with that world of delinquency I was introduced to the civil rights struggle in Montgomery, Ala.

Unfortunately for too many of these young people I am here to talk about today, there is no alternative, neither is there enough concern and emphasis put on these young people. I think it ironic indeed that for 20 years we have had persons actively engaged in some of the most disgusting activities known to man, including killing of people, the burning of homes, et cetera, who now are persons charged with the responsibility of desegregating schools. Here lies the civil problem.

As I have traveled throughout the South, talking with the young people, particularly secondary school students, I have encountered a growing number of young people who were pushed out of school. When questioned as to why they are out of school, many of them will report such reasons as petty insubordination. Quite a number of those young people, when schools were desegregated, children some from the Booker T. Washington School, the black schools in those communities, to the Robert E. Lee High Schools, or Strom

Thurmond High Schools. They have gone into these schools and are asked to come into a white culture.

Many of the black educators have been displaced; many of these black kids have been, in essence, told, "You can come into our White schools but you cannot fully participate." They enter desegregated schools and are told they can't participate in extracurricular activities such as the band, the choir.

The case of the football players—they will carry the ball to the 2-yard line, then a white kid will carry it across the line. Many kids have decided they will stand up and resist. Quite a number of these kids have exhausted all the prescribed methods for solution of their problems.

Finally they resort to direct action. Instantaneously, the leaders of these direct action efforts are suspended or expelled. Quite a number of these kids, when asked about due process in their schools, when asked about rules and regulations in their schools, they state, "Our schools are run by common law."

That pretty much tells the story.

As I have said, quite a number of these young people who have been pushed out of school are kids who stand up and resist further discrimination in a school. Many have been dismissed for questioning an action of a principal or teacher, quite a few of these young people are seriously interested in an education, would like to continue their studies, go on to college.

I would like to talk about a number of particular cases I have run into. There was a young lady from a South Carolina community. She transferred while in the 8th grade to a White school. Unfortunately desegregation in the South has come to mean the sending of black kids into the previously all-white school structure.

This particular young lady was not allowed to participate in extracurricular activities. The black kids grumbled but they accepted it.

The birthday of Martin Luther King rolled around. They began to plan an activity and sought the approval of the school system to hold a day of memorial to Dr. King on his birthday. They were told they could not do this. They petitioned the school board, but without any satisfaction.

Upon going back to school, these kids were aroused; they demonstrated. Many were arrested and she was told by the principal he was going to make sure she was not going to college. She had two or three scholarships. Subsequently, in the latter part of the year, she received an F in English.

We were able to, fortunately find funds to assist her and she was accepted by a black university.

There was an outbreak on the campus, a disruption between black and white students. This particular student decided he would go home because he knew he would be singled out. He went home and later that afternoon he remembered that he had a history contract between himself and a teacher and he needed his books in order to fulfill the contract.

He went back to the school to get his books. Upon going into the hall he was confronted by the principal who was accompanied by a policeman by his side. He said, "You are trespassing; get out."

The principal subsequently had him taken to jail. He stayed in jail for 3 days. He requested a hearing with the school board. It happened that the hearing at the school board was arranged for the same day and time before the judge of having been accused of having trespassed on the campus, as the hearing on his expulsion.

Naturally, he was unable to make one of the hearings. This particular child stands out in my mind. He finally left his Mississippi community, went to another State. A couple of months ago he came to Atlanta. He came to my office, was quite disturbed. I talked to him and he told me he had been in a shootout. I offered legal assistance for him, and he said he did not want it. He said, "I will die before I go to jail."

What this child is doing is directly attributed to the forces this child felt in the school. Periodically the staff is called upon by young people such as those I have described. They have been arrested, they have run away from home, the day-to-day mistreatment, the singling out of those particular student leaders. A number of young people, the second line supporters are those singled out in order to impress upon the minds of the group of black people, you had better get in line or you will see what happens.

Now, for a quick look at statistics. In the State of Florida, based on statistics gathered by the State Department of Education and supplied to HEW, Office of Civil Rights, over a thousand children were suspended this past school year; over 43 percent were black.

Mrs. CHISHOLM. The State of Florida?

Mr. HALL. Yes. The number that are expelled or suspended or drop out of school and the specific reasons for this, the information is so very, very difficult to come by. For the past 3 years we have been in the process of gathering this data and we find it is very difficult. Then upon gaining the cooperation of the school districts, some are incentive to the large number of dropouts who are on the street. Once we get the cooperation of the school system, we find that in many cases in order to gain the data, it takes going through file by file, and you find very few reasons stated as to why the child has been suspended.

A much more difficult problem is where the child is told to "go some until we send for you." There is very dishonest relationship being fostered between a child and school authorities. School authorities will send them home on their word only, until they are sent for. The child is very conveniently put out of school and the school does not have to answer for that.

I think this bill that is being discussed and this testimony in support of it is one that provides the opportunity for going a long way toward meeting the needs of some of these young people. I think the question of juvenile delinquency is one that must be addressed in this country as well as the causes of delinquency. I think there is some language in the bill which mentions justice. Unfortunately, there is not enough language in the bill which addresses itself to justice. In some manner we must provide the resources to take it out of the best interests of some as another form of resisting desegregation and getting rid of all the black educators and black kids.

They have run out of legal tactics. Now the price is so very, very high many black people, parents are asking, "Is it worth it?" I would hope this bill would address itself to protecting the rights of young people.

The strongest recommendation I can offer in behalf of the Memorial and the council is that this bill take into consideration the need to certainly protect these young people before they get into situations where they will later become delinquents and also realize many of those who affix the label of delinquents, are those pushing young people into delinquency.

Thank you.

Mrs. CHISHOLM. Thank you, Mr. Hall, for your testimony.

Mr. HAWKINS. Certainly, Mr. Hall, I would like to commend you for your excellent statement. Your remarks are very pertinent to the legislation, H.R. 6265.

I have just a couple of questions. One is with respect to what I somehow assume from what you have said, there should be written into H.R. 6265 some bill of rights for students so that national standards might be determined which would somehow control the different instances which you have cited here.

Are you suggesting therefore that this bill should be amended by writing in student rights?

Mr. HALL. I think certainly a close look should be taken between suspended and expelled young people and those later classified as delinquents. I think clarification of the due process would go a long way in stemming the tide of delinquency.

Mr. HAWKINS. During the hearings on the bill there has been some conflicting testimony as to who should administer the program. The basic question is whether or not the Department of HEW, as is now being proposed to administer the program under H.R. 6265 is more desirable than the law enforcement assistance administration. This has been to some extent done in the Senate bill which is the counterpart of H.R. 6265, so we have before us what seems to be an idealogical conflict.

What would be your particular recommendation as to which of these agencies would be more desirable?

Mr. HALL. Quite frankly, I think based upon our experiences in the South, at least, we are almost in the situation of choosing between the lesser of two evils based on present situations.

Preceding this present administration, HEW would be the ideal source for administration of the bill. Based on LEAA in the South now, I think it is far more dangerous to allow that agency to administer this program. I conclude that HEW would be the better source in light of the lesser of two evils, if Congress will maintain vigilance in terms of keeping HEW on its job.

As you know, HEW is now under court order, *Adams* v. *Richardson*, to seek compliance under the Civil Rights Act, 1964. I think we need keep that in mind, and I would recommend HEW at this point.

Mr. HAWKINS. Thank you, Mr. Hall.

Mrs. Chisholm. Mr. Benitez.

Mr. Benitez. I wish to congratulate you on your statement and your work and I think you are perfectly right in indicating the really important concern is how do we prevent pushouts.

It seems to me this is a critical point because once they are out of school, and this is one of the things we have discovered in Puerto Rico, often times any change they may have had is lost.

What would you suggest this subcommittee and committee could do to stiffen the potential candidates for push-outs or in order to protect the pushout youngsters from being driven out of school?

Mr. Hall. As I interpret eligibility under this bill. I would think that certainly some local educational agencies, and also quite a number of official bodies in states would be eligible, certainly the State law enforcement agencies would be eligible. I think if some formula is developed by which, if a police department as an example, or local police department or State agency, applies for funding under this bill, they are to supply data regarding expulsion and dropouts and where this is found, as a provision in order to be funded, they must supply this data.

If disproportionateness is found, these requesting sources be called to show cause and to attempt to pinpoint very specifically what are the causes within those school systems, because one must realize the school systems are the one who are giving us the delinquents.

Penal institutions are accused of being schools of crime, schools are being found to be harborers of institutions of delinquency. I think you will find within school districts where you will find many young people out of school, a very small number of the school officials are involved. As in the State of Florida, they found out of that large number of children out of school, four or five administrators in the school were the chief movers in causing these children to be out of school.

So there should be some program which focuses in on this cause. How do you write a program in such a way where it is determined there are four or five teachers responsible for 300 young people ending up in the juvenile delinquency home? How do you deal with these? That is one of the kinds of questions this committee should have before it.

Mr. Benitez. The point I am trying to arrive at pertains not so much to the question of bylaws or regulations aimed at protecting the situation, but rather trying to move into the problem of how, what steps can be taken to stimulate the awareness on the part of the families and on the part of the teachers and the students? On this precise issue, turns a great deal of the whole problem of juvenile delinquency and even more than that, the whole problem of human equality in our schools.

So what I am struggling to get across to you, to pinpoint, is the protection for these children and awareness on their part so your heroic pioneering role can be kept as part and parcel of their day-to-day struggles so that they might be seen not as part of inconsequential difficulties, but rather as part of a historic struggle for human equality.

How can we help in that common role in which all of us are deeply concerned?

Mr. Hall. I would think through additional funds, but also if there is high emphasis put on the need for recognizing the clash of cultures as schools desegregate. Thus the need to create some, or again within the State department, preferably say the department of education which takes no responsibility for the lawful function of education within the State. Ideally within each public school system, there should be a department of human relations which puts emphasis on dealing with these young people who have become so turned off they find themselves delinquents. I think that would be a point.

Mr. Benitez. I would think that certainly is a potential source. What I think is most important, really, as you say is that, it could be stimulated by a department in charge of race relations.

But the great problem I think is the meaning of one's life and I would think that in the United States today, the blacks have a greater motivation for living in many ways than the whites because they have a very hard struggle and achievement is difficult to realize in the whole historic setting of the American culture.

I am not only saying it about blacks but minorities in general.

I think the point you have made, the possibility of a cultural approach within the school and the requirements for this within the State, certainly, might be very valuable and of course it would also depend on who runs it. This is another problem we have, how a wonderful goal can be destroyed if not properly implemented.

I thank you very much.

Mrs. Chisholm. I just have one question for you and I would like to point out to the other members of the committee that we have five people testifying. Therefore, I would ask that you limit your questions to one or two direct questions.

You said the resistors are the implementors. Here you have people who have had preconceived ideas as to ethnic origins and patterns and here they are responsible for this and you don't change attitudes overnight.

So, it seems to me since the resistors are the implementors there needs to be a reconstruction so those people responsible for educating all those children would be able to, if necessary, go to school again or get specific courses which would help them to deal with the children coming into these schools.

I am one of those persons who constantly say money, money. We need more money. It does not mean a hill of beans unless you know what you are doing.

Would you say it would be important for us to incorporate in this legislation something for retraining individuals in this cultural education so we can begin to get at the root of this problem?

Mr. Hall. I would like to underscore the resistors as being the implementors. My point is the same persons, the resistors, as you know, control school boards, especially in the South. I think if some of these resources are set aside for training, it would be very wise. Increasingly though, many of these resistors have begun to show a willingness and they are now looking for the "how-to's". They know the old way but don't know about the new way. So resources should be provided for retraining.

We find in many cases young people are suspended or expelled or pushed out of school through other devices because of not being able to communicate.

My life style and the average superintendent, tend to vary in a number of cases. Not only black students but other white students and other minority students, don't accept the old way.

Mrs. CHISHOLM. Therefore, a lack of understanding or ability on the part of administrators to accept the here and now has a lot to do with those who just want to express the here and now?

Mr. HALL. Yes.

Mrs. CHISHOLM. Thank you. Now we are going to ask Mr. Peter Holmes, Director., Office for Civil Rights, Department of Health, Education, and Welfare, to come forward and introduce those who are accompanying you.

STATEMENT OF PETER HOLMES, DIRECTOR, OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE; ACCOMPANIED BY LLOYD R. HENDERSON, ALBERT T. HAMLIN AND SUE HAUSE

Mr. HOLMES. To my right is Sue Hause, Office of Legislation; Dr. Lloyd Henderson, Director of Elementary Secondary Education; and Mr. Albert Hamlin, our Deputy General Counsel, Office for Civil Rights.

I have a statement which I was trying to edit down in light of your time limitation, but let me proceed.

Mrs. CHISHOLM. Go right ahead.

Mr. HOLMES. Madam Chairman, members of the subcommittee: On behalf of the Office for Civil Rights, I appreciate having an opportunity to present some of our views, our information and our activities concerning the unequal imposition of disciplinary measures by school officials. A consequence of this form of possible discrimination is the eventual erosion of confidence of many thousands of minority youth in the purposes of education so that the American school becomes for them less a means to personal achievement than a symbol of injustice. These many thousands of young Americans, who have given up going to school, are frequently known by the term "pushouts."

This term was given wide public circulation toward the end of last year through a report issued jointly by the Robert F. Kennedy Memorial and the Southern Regional Council. The report is called The Student Pushout, Victim of Continued Resistance to Desegregation.

In the opinion of our office, this is a good study, well conceived and documented, although there is much to challenge in its assessment of the performance and capabilities of our office in this matter. For us, however, the value of the study was to focus public attention on the kind of racial discrimination that may be going on inside a school once that school has been desegregated.

It shows that possible discrimination in many school systems is pervasive from the earliest grades through senior high school and that the assignment of minority children to schools they once were not permitted to attend marks but one long stride toward the attainment of completely equal educational opportunity. The job is far from done; and it will not be done until all youngsters, regardless of race, color, national origin, or sex, are held in equal esteem by their school administrators, by their school principals and most important, by their classroom teachers and fellow students.

Without detracting from the innovative disclosures of the regional council's study, I would like to point out to the committee that the Office for Civil Rights has long recognized that the physical desegregation of a school system does not necessarily mean the end of discrimination. It often means that the discrimination is removed from public view, as in the case of the dual system, and relegated to the classroom or, as we shall see shortly, to the administrator's office.

It is our contention, that the discriminatory assignment of youngsters based on race or cultural background—particulary children in the primary and middle grades—is a major factor in the decision of minority young people to leave school through disappointment, disenchantment, and despair. In other words, any form of in-school discrimination can form the basis for an eventual pushout or dropout problem.

It is quite true, however, as the Southern Regional Council's report says, that OCR has not yet developed a full-scale program to bring corrective action to bear on discriminatory disciplinary measures by school officials.

But I would hasten to add that this does not mean we are ignorant of the problem or that we wish to dismiss it. On the contrary, discrimination in discipline is more than just a violation of the law; it is often a form of reprisal, disrupting young lives in their most formative years.

We intend to make this kind of documentation the object of strong enforcement efforts in the coming year. The investigation of disciplinary abuses based on race will be a priority in the offices' annual enforcement plan, which is now being developed by my immediate staff and the directors of our regional offices.

In the Southern Regional Council's report is the text of a letter I wrote last year to Mr. Richard Boone, director of the Robert F. Kennedy Memorial. I would like to quote a paragraph of that letter:

> In the past, our investigative activity in the school discipline area has been on a case-by-case basis and usually in response to one or more complaints. We have been able, in several cases, to establish statistical patterns of disciplinary actions in connection with minorities; however, we have been unable to establish concrete evidence of racial or ethnic discrimination in such patterns.

My point here is simply that successful enforcement of the law in "push out" cases requires far more evidence than percentages and ratios of expulsions and suspensions between minority and nonminority students. While development of a case does not depend on proof of actual intent to discriminate on the part of school officials, it does call for evidence that different disciplinary policies between nonminority and minority students has a discriminatory effect. Collection of such evidence requires thorough, onsite investigation by experienced, trained staff.

For the past 2 years OCR has been collecting data on these categories of pushouts. Most of the information comes from the national school survey of public elementary and secondary schools. The survey has been asking for data on both expulsions and suspensions in 1973 and will again in 1974.

The purpose of the data is primarily to assist the office and its regional staffs in identifying the school districts where, from the statistics, it appears that disciplinary measures may be discriminatory. As the worst offenders are identified statistically they will become the subject of full-scale investigations that will lead either to satisfactory corrective action or legal proceedings. But, first, we need the evidence to make a case of discrimination and before that we need to learn for ourselves just how to make a case.

Nonetheless, we have been able to increase our efforts in the discipline area through the process involved in determining the eligibility of districts for funding under the Emergency School Aid Act (ESAA). Acting on the information submitted on the survey forms, our investigative staff has, where warranted, requested additional information and in some cases conducted onsite reviews.

This has been preliminary work as we seek to establish more definitive guidelines.

To aid in this process just a month ago on April 8, I directed the Division of Elementary and Secondary Education to begin a program of pilot investigatory reviews of school systems with indications of serious push-out problems. The purpose of the reviews is to develop techniques of investigation that will lead to making cases based on sound evidence, that will hold up in the legal process.

In the course of initial or pilot reviews, directed largely by staff of the Washington office, we will be concerned with all aspects of the discipline procedures in a school district. We will be attempting to determine patterns of treatment of minority students. What we will be looking at are the types of offenses for which students are disciplined and whether or not these offenses are identifiable by the race or ethnicity of the students involved. We will also be looking at the length of the punishments and whether there are differences which can be attributed to the race of the students.

Beyond a statistical analysis, we will also be examining the disciplinary code and policies of the districts and individual schools to determine whether they would generate discriminatory reaction by school officials on one hand and whether they are in themselves unconstitutional by infringing on individual rights and denying due process. Our concern here is whether the application of an irrational standard has had a heavier impact on minority students.

We will be further concerned with whether there are patterns in the behavior of the persons recommending or imposing disciplinary action. Here our staff must follow a personal interview process.

In one district under review as a probable candidate for pilot study, initial analysis has shown that there is more to be scrutinized than the mere statistical disproportion of the disciplinary data. Beyond the fact that the numbers and percentages of minority students under discipline are higher than those of the nonminorities under discipline; beyond the fact minority students are suspended for longer periods of time, there are the factors of subjective attitudes of those meting out the discipline and of the subjective nature of the offense. Such offenses as "misbehavior, insolence, abusive language," must be judged against the reasons why the disciplinarian found them to be offenses in the first place. Many infractions are not subjective, for example: smoking, destruction of property, possession of alcoholic beverages, theft, and assault. It is these distinctions that we are seeking to define.

Also, we must examine the development and promulgation of disciplinary codes in several schools of the same system. There may be sharp differences, and they may be based on race or ethnic background from school to school. We have found that there are sometimes inconsistencies within schools. For example, the handbook for one school on which we have data lists seven basic offenses for which a student may be suspended, but in reality the record shows that students were suspended for 21 different categories of offenses.

Helpful to our discussion today would be a brief look at some specifics of our analyses and some of the statistics we have on this particular district that may lead off our pilot-study program. Having not yet been notified of our intentions, the school district shall be unnamed.

In the district under consideration, the Office for Civil Rights, pursuing a complaint investigation, requested and eventually received specific data on five schools, three junior high schools and two high schools. An analysis of the data submitted showed that the disciplinary situations in the junior high schools were far more serious than those in the senior high schools in terms of the numbers of students suspended, the duration of the suspensions, and the total number of suspendable offenses.

In one junior high school, 38.6 percent of the total minority population was suspended during the 1972–73 school year, while 12.5 percent of the total nonminority population was suspended. Minority students were, on the average, suspended for 1 day more than the nonminority students. In another junior high school, not only were 23.1 percent of the total minority population suspended (compared with 2.7 percent of the nonminority population), but also the minority students were suspended for almost twice as long, on the average—6.1 days average suspension for minority students compared with 3.1 days for nonminority students. In both schools the percentages of suspensions which were minority were double the minority percentage of the total school population. In the one junior high, students were suspended in 76 categories; in the other, 40 categories.

Looking at the actual suspendable offenses, our staff found that there were wide discrepancies from school to school. In most cases these discrepancies were related to the nature of the offense. Therefore, in one school a student could be suspended for profanity or insubordination, while in another school a student could be suspended for: disrespect, insubordination, vulgar language, obscene language, obscene writing, profanity, vile language, indecent language, belligerent behavior, rudeness, and cursing.

It is these facts, these observations that we must work with to establish a finding of noncompliance.

This school district is not a large one by "big city" standards and it is not beset by the problems that accompany urban school districts. Part of our pilot study will include an on-site review of one or more large metropolitan school districts.

We are already reviewing New York City, as you know, and our review as one of its components the areas of pushouts and student discipline. We have not selected another district for review to pinpoint discipline problems, but we are presently looking over some of the data which we have extracted from the 1973–74 school survey, which in regard to suspensions and expulsions, refers to the 1972–73 school year.

Madam Chairman, I am going to skip the statistics here, but my statement does note the problem of suspension and expulsion as a national problem, not just a problem in the South. These figures here note that it seems to be, at least statistically, a problem in our very large metropolitan areas.

Mr. BENITEZ. You say New York has 64.4 percent minority enrollment. What does that mean?

Mr. HOLMES. The total minority school population of New York City is 64.4 percent.

But we all know this and we have known in for many years without the benefit of surveys and reports.

The question is, what do we do about it?

What we do about it under the law and in compliance with Federal procedures is what we have been doing since 1965, when the Department of Health, Education, and Welfare first began to administer and enforce title VI: we identify the possible violation, we investigate it, we compile evidence, we set forth our specific findings, we require corrective action and where corrective action is not forthcoming or satisfactory, we initiate legal proceedings; and if it is necessary as the last resort, we terminate Federal financial assistance.

I believe that our achievements in helping to dismantle the dual school system and in administering the provisions of the Emergency School Assistance Act have demonstrated the success of this procedure.

The heart of our method is first to seek voluntary corrective action on the part of those districts in which we have conclusive evidence of discrimination. If that does not produce results we resort to legal action.

Thanks to the work of the Southern Region Council and the Robert F. Kennedy Memorial, public education administrators have been made aware of a serious problem of possible racial discrimination. The reason for the presence of our investigators in their schools will be understood.

In conclusion, Madam Chairman, I wish to say that the Office for Civil Rights intends to pursue vigorously the problems of "pushouts." At the same time, however—and I trust that the subcommittee will agree with me—we must insure that we don't focus on the "push-out" problem out of the larger context. What I suggest, Madam Chairman, is that the "push-out" problem, while of critical importance in and of itself, may be, in large part, a manifestation of a broader, more pervasive problem—and that is the problem of the treatment of minority students throughout the educational spectrum, including—but certainly not limited to—the assignment of minority students to classes, and the opportunity for minority students to participate fully in the curricular and extracurricular offerings of a school system.

I wish to thank the subcommittee for the opportunity to testify on this important subject.

Mrs. CHISHOLM. Thank you very much, Mr. Holmes. Mr. Bell.

Mr. BELL. Mr. Holmes, thank you for a very good statement. You speak of 64 percent of the students in New York as an example, being a minority. Actually that makes them a majority; does it not?

Mr. HOLMES. Yes, and a majority-minority school district.

Mr. BELL. I note that you state, and I am in no way defending this, I just ask the question, that much of the discrimination that occurs, involves minority students getting a tougher penalty than I assume white students; right?

Mr. HOLMES. Yes.

Mr. BELL. I assume that is occurring, by inference at least, in the South, or is that a big city problem? Where does such discrimination seem to be occurring?

Mr. HOLMES. My reference was with regard to the particular school district that we did not name, that we have targeted for a review. In that particular situation, after obtaining substantial information from the school district, we were able to ascertain the fact that the average suspension time for minority students was 6.1 days compared to an average of 3.1 days for nonminority students. I mentioned in my statement this is not a large school district but it is a fairly good-sized school district.

I think the particular problem ably reflects, although I don't have the facts before me to confirm it, a situation that probably does exist nationally and includes the large city school systems.

Mr. BELL. I am just trying to put pieces together. You are taking large amounts of school areas that are entirely different. Some schools, for example, in Los Angeles, and I am also presuming in New York are 90 percent black, or 98 percent Chicano. Then you are taking that area and throwing it into the total package of schools in the nation. Maybe I don't understand what you are saying.

Mr. HOLMES. In New York we look at the citywide minority for enrollment which is 64.4 percent. Then for the 1973–74 fall term, we identify that there were 19,518 students who were suspended, totally in the New York school system, of which 16,700 were minority, representing a total minority percentage of 85.9 percent. We were comparing that 85.9 percent for minority disciplinary actions to the 64. We find somewhat of a wide variance there which raises the question in our mind, which it should, that minority students in New York City may very well be subjected to different criteria as to suspensions and expulsions. One of the remarks I made in my statement is that those figures are not enough to conclude discrimination. We have to go beyond that to ascertain discrimination.

Mr. BELL. Are you, in your own mind, somewhat convinced that these tougher disciplines given the minority are because of acts of prejudice on the part of some of the instructors and people in charge?

Mr. HOLMES. I think that is safe to assume. Different cultural conceptions, perceptions.

Mr. BELL. Thank you.

Mrs. CHISHOLM. Mr. Benitez.

Mr. BENITEZ. You say minority, in New York for instance, you include black, Puerto Ricans, what else?

Mr. HOLMES. Orientals, native Americans——

Mr. BELL. You say native Americans?

Mr. HOLMES. American Indians.

Mr. BENITEZ. Do you include other Spanish-speaking groups?

Mr. HOLMES. Our category is Spanish surname. So it would include Chicanos, Puerto Ricans, Cubans.

Mr. BENITEZ. And that makes 64 percent of the students in the public school system?

Mr. HOLMES. That is right.

Mr. BENITEZ. That would mean, then, that at present in New York City, you have an average nonpublic school system which is the one principally patronized or which serves the majority?

Mr. HOLMES. I would assume so. We don't collect enrollment data on private school enrollment, but the Office of Education does every 2 or 4 years. I would assume that in New York City as in other large cities there is a large private school enrollment, but we are focusing, as we must under the law, on the federally assisted school system.

Mr. BENITEZ. I must agree with you. Psychological reactions or approaches or cultural divergencies causes some of our problems.

Is there any approach that you would like to recommend or any modification in the existing laws which could facilitate dealing with that problem?

Mr. HOLMES. The Department, I believe, has testified. Mr. Thomas, Assistant Secretary, has testified on the bill before the committee. I am not prepared to testify on the bill but I would say Mr. Hall's suggestions regarding the development within State agencies of programs designed to provide assistance to school districts in this area would seem to me to be very important.

One of the underpinnings of the Emergency School Assistance Act has been to provide Federal assistance to school districts involved in the desegregation process and much of the money has been used for teacher training programs, what have you, to solve smoothly that transition from a segregated to a desegregated school system.

I think that approach in providing aid to local educational agencies in this area is good, but I don't think it is a substitute for the type of program we plan on conducting.

I might add, too, the fact that we ask questions regarding suspension and ask that they be broken down by the race and ethnicity. This does in and of itself cause the school districts to focus on these matters, at least in terms of collecting the data to report to us.

I would hope, but I can't safely assume, that when they see these wide discrepancies, they would initiate actions to look into the situation and attempt to correct the variance in the number of students being disciplined in the schools.

Mr. BENITEZ. Do you have any suggestions concerning the recommendation which has been made as to the bill of rights of students or ethnicity be incorporated in this bill?

Mr. HOLMES. I don't have any specific recommendations as to that proposal, but I don't find it objectionable in any way. In fact, it might be desirable to attempt to set forth in the legislation a sharper focus on this area of concern. That could be done through the articulation of a so-called bill of rights.

Mr. BENITEZ. Thank you.

Mrs. CHISHOLM. Mr. Stokes.

Mr. STOKES. Mr. Holmes, in terms of reviewing the school district to define the suspension and expulsion problems, to what extent have you observed the numerous school districts?

Mr. HOLMES. As I mentioned in my remarks, we have not had an organized program dealing with this specific issue. We have dealt with this issue in some measure in connection with our reviews under the Emergency School Assistance Act.

Our primary focus has been in the area of in-school discrimination, that general area, on the issue of assignment of students to classes, racially isolated, racially identifiable, both under the Emergency School Assistance Act and under title VI.

My remarks point out the substantial number of minority students who have, as a result of our efforts in that area, particularly in the southern regions, now been assigned to nonsegregated classes, nonisolated classes.

At the end of my remarks I referred to the fact that while we view the push-out problem as a serious problem in and of itself, we want to appreciate it and regard it in the large context of the tretment of the minority student throughout the educational spectrum.

I heard Mr. Hall saying and I think most will agree that the frustration which might build up in the minority students through mistreatment may reach a point in high school that it results in some sort of confrontation which results in the push-out or expulsion of the student.

Mr. STOKES. What future plans do you have as relates to this matter?

Mr. HOLMES. We are in the process now, under Dr. Henderson, of getting priority demands, annual enforcement plans. We propose to begin this effort through some pilot reviews and I made reference to one of the school districts, unnamed, where we have already collected the data, the information and do intend to conduct our first pilot review in that area.

Mr. BELL. Will the gentleman yield?

Mr. STOKES. Surely.

Mr. **Bell.** Mr. Holmes, not to be the devil's advocate, but I have a son who has been a disciplinary problem and I know some of the problems that schools go through in terms of discipline. We have problems of crime in Los Angeles and I know, as the gentlelady will agree, in New York. We have a problem when you expel or suspend a youngster.

It seems to me, the proper question to ask would be, has your program or the school any program which will follow that child to see what becomes of him?

When a child is expelled, he wanders the streets and then he is in real trouble. Sometimes youngsters in school can't be handled; they are too tough. It seems to me there should be an effort to follow these students, try to get them interested in on-the-job training or something else that would bring them back into society as a useful citizen.

That would seem to me to be a more immediate need. Of course I understand the situation, when teachers, because of some prejudice, discriminate and take advantage of children. But it seems there are other aspects of this problem that must be recognized.

Mr. **Holmes.** That student who has been suspended must be a concern of the Congress and executive branch. As I understand the legislation before the committee, that is one of the primary focuses of the committee.

On the other hand, we are a law enforcement agency charged with enforcing title VI. Thus we are going to look at it from our perspective as to our authority. Does it have a discriminatory effect? Then the question of the treatment of the minority student throughout the educational spectrum. What may have occurred in the early formative years has led to this situation?

Certainly none of the areas can be ignored. I quite agree with you.

Mr. **Bell.** I appreciate that your immediate job is to find out if there is discrimination in the schools, but there should also be a positive carry-forward from this too.

Mr. **Stokes.** Mr. Holmes, with reference to your survey, my understanding is that the Children's Defense Fund has made some recommendations relating to changes in the survey relating to suspension. Is that true?

Mr. **Holmes.** Yes, that is correct.

Mr. **Stokes.** Can you give us some idea as to your reaction to those suggestions?

Mr. **Holmes.** I have talked to Mrs. Marian Edelman as to the recommendations and we are going to be meeting with them shortly to try to incorporate a number of the recommendations they made in the area of such questions as the length of suspension and what have you. We are going to try to accommodate their interest. We do have some space problems that I won't go into and also some financial problems but we would like to attempt to accommodate their interests.

Mr. **Stokes.** You mentioned the on-site investigations in your formal testimony which I think would be an excellent way of obtaining some very meaningful data in those surveys and I was wondering in what ways you intend to utilize the on-site data technique in these surveys?

Mr. HOLMES. We use the on-site technique throughout our program and we couldn't conclude reasonably that a situation was discriminatory, a violation of the law, without an on-site visit and obtain information that one would through such a visit. The pilot project we intend to do would be on-site. We have collected a lot of data from this district already just from correspondence, but we will be gathering more data.

Mr. STOKES. I have no further questions.

Mrs. CHISHOLM. I have a number of questions. I understand you are planning to cut back on the extent of the civil rights survey. Shouldn't you be expanding the survey in light of the sophisticated forms of discrimination which have been pointed out to us?

Mr. HOLMES. We are not cutting back. What we have done in the past is to conduct two types of surveys. One was a survey in the odd number years of approximately 3,000 school districts. The other was a large survey in the even number years reaching approximately 8,000 school districts.

What we propose in fall 1974 is not to do the 8,000-school survey but to do the same universe, 3,000, that we did in the odd year last year, fall 1973.

Now by conducting that survey, we reach 93 percent of the minority children in this country under that 3,000 district survey. Thus, were missing very little in terms of data regarding minority students by not conducting the 8,000 district survey.

We propose—or I propose—to put the 8,000-school survey on a 4-year basis and the reason I do this is in the interest of freeing some moneys so that we can conduct more indepth and sophisticated types of analysis such as we are attempting to do in connection with the New York City review.

I feel personally that the conduct of a 3,000 district survey in the even year like we had last year, that picks up 93 percent of the minority students in this country, is an advisable thing to do. It is a matter of priorities. I have talked to Mrs. Edelman about this a number of times. I think she has some understanding. She does have questions, as does Mr. Stokes, as to the nature of the questions we will ask on that 3,000 survey.

Mrs. CHISHOLM. Up to this time, the Office of Civil Rights has not really made the push-out problem a major focus of that office, however, it is something that has been developing and increasing in recent years in the process of desegregation.

Now according to your testimony you will be giving more focus to this issue. When is your enforcement plan to begin?

Mr. HOLMES. Fiscal 1975.

Mrs. CHISHOLM. If you plan is going to commence fiscal 1975, would you report to this subcommittee every three months as to what has been happening as to what you have been detecting or finding out after the plan has been implemented.

Mr. HOLMES. I would be glad to report periodically to the subcommittee. We have not many 3-month reporting requirements. Mr. Hall mentioned the *Adams* v. *Richardson* case. We are almost at the point of spending all our time putting reports together, but I would be glad and would commit myself now to advising the subcommittee and staff on a regular basis as to progress we are making in this area.

Mrs. CHISHOLM. My reason for requesting this is becauuse so often one receives a lot of information—sometimes it is rumor—and people want us to get the true facts and the substance. We on this committee are very concerned about pushouts because of the reports we have received from across the country. In view of the fact that you will be making a specific focus and collecting data, on pushouts, if you would share your findings with this committee, it would help us legislatively.

Mr. HOLMES. On the data, we usually mail the forms out in late summer; they are filled out in early September or October and really not in a computed readable form until January or February, but we can keep you appraised and as the data is produced, supply you with the data.

Mrs. CHISHOLM. Does your office have any concrete relationship with the Justice Department as to legal proceedings?

Mr. HOLMES. Our relationship with the Justice Department is as authorized by title VI. After conducting an investigation we can elect to initiate administrative proceedings under title VI or refer the matter to the Department of Justice.

We also consult very regularly with the Justice Department. As to the *Lau* v. *Nichols* case, it is in the courts. We have an interest in it. We have a very close relationship.

Mrs. CHISHOLM. How is it that up to this point the Office of Civil Rights in HEW has not brought any specific charges? This push-out problem has been going on every since the desegregation movement has been in existence. I can't understand how nothing concrete has been done about the problem up to now.

Mr. HOLMES. Maybe Dr. Henderson would like to help me explain. Quite frankly, that was first apparent in desegregating the schools then in connection with assigning students to classes within those schools where we have been very actively involved and it also has been in the area of displaced faculty and the need to negotiate with districts to correct the imbalance which has resulted in dismissals of black minority faculties in past years.

It is a matter of priority and we feel now we can address the push-out program as a priority item but not to the exclusion of the other areas we feel of equal interest.

Mrs. CHISHOLM. Thank you very, very much; you and your panel.

[The following material was submitted by Mr. Holmes:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 17, 1974.

MR. PETER HOLMES,
Director, Office of Civil Rights, U.S. Department of Health, Education, and Welfare, North Building, Washington, D.C.

DEAR MR. HOLMES: Pursuant to the hearing held by the Subcommittee on Equal Opportunities on student pushouts at which you testified, I am submitting to you several questions that I would like answered in order to clarify certain points you made at that time.

I am very appreciative of the presentation you made at the hearing. I especially am hopeful that the increased efforts of OCR to document and identify school districts that are practicing discriminatory exclusions, and your subsequent "full scale investigations" leading to "satisfactory corrective action or legal proceedings" will prove effective in preventing further unwarranted discriminatory suspensions and expulsions. We need to keep young people of all races and ethnic groups in school as long as necessary for them to become successful participants in American society.

The questions are as follows:

1. Would you please submit for the record the names and black/white enrollments of the school districts where 170,000 children previously assigned to racially isolated or racially identifiable classrooms have been reassigned to nonisolated classes since January, 1973. (Page 3)

2. Please submit for the record a copy of the current OCR Annual Enforcement Plan. (Page 5)

3. Would you give a brief legal analysis of why development of a case cannot be made with numerical disparities in suspensions and expulsions between minority and nonminority pupils? (Page 6)

4. What were the names of the districts in which pilot investigation reviews were done and what findings of fact were made in each district? (Page 7)

5. I am interested that the area of pushouts and student discipline become a regular component of a Title VI or national origin discrimination review. What steps are being taken to make it so and what is your time schedule for achieving this objective? (Page 11)

6. For the record would you name the school districts in which OCR has done the following with respect to pushouts and student discipline: (1) terminated federal financial assistance, (2) initiated legal proceedings, (3) required corrective action. (Page 12)

7. Based on the 1973–74 school survey, which refers to suspensions and expulsions for the 1972–73 school year, about what number and what percentage of the school systems in the 17 Southern and border states have a pushout or student discipline problem? What are the characteristics of these districts? High proportion of black students? Urban? Court order districts?

8. In your testimony you state that OCR is not avoiding the investigation of discriminatory discipline problems, however, you speak only of intentions and of no concrete steps or specific action. Is manpower being increased for on-site monitoring and investigation? Is an investigation dependent solely upon receipt of a formal complaint? If so, can investigatory powers be a formal, required function of the Annual Enforcement Plan? (Page 5)

9. How do suspension and expulsion figures for school districts with ESAA grants compare with student discipline statistics for school districts without ESAA grants? (Page 5)

10. The National School Survey of Public Elementary and Secondary schools is referred to as a primary source for collecting statistical data on pushouts. Is the completion and submission of this survey mandatory? Is there any penalty for non-compliance? What assurances are there that submitted data is complete and accurate? (This question is prompted by reservations expressed in a memorandum of October 16, 1972 to J. Stanley Pottinger, then director of OCR, from Constantine Menges, (Planning) OCR. The memo dealt with the National Survey for the Fall of 1971. Three pages taken from the body of that meno which express OCR reservations as to validity of information reported are attached.)

11. Your testimony states that OCR must look at "patterns in behavior of the persons recommending or imposing disciplinary action," and that this must be accomplished through personal interviews. Will the personal interview include students and parents as well as administrators and teachers?

I have enclosed for your information a copy of the Committee Report for H.R. 15276, the Juvenile Delinquency Prevention Act of 1974. As you will note, programs to prevent unwarranted and arbitrary suspensions and expulsions are authorized.

Since I would like to include your answers to the above questions in the printed record of the hearing, I would appreciate a quick response.

Sincerely,

SHIRLEY CHISHOLM,
Member of Congress.

DEPARTMENT OF HEALTH, EDUCTION, AND WELFARE,
OFFICE OF THE SECRETARY,
AUGUST 7, 1974.

HON. SHIRLY CHISHOLM,
House of Representatives,
Washington, D.C.

DEAR MS. CHISHOLM: Thank you for your letter of July 17 listing additional questions related to my testimony of May 21, 1974 before the subcommittee on Equal Opportunities of the House Committee on Education and Labor. My answers are enclosed.

I want to again assure you that the Office for Civil Rights intends to pursue in the coming school year the investigation and correction of disciplinary abuses based on race in federally assisted elementary and secondary school programs.

I hope this is helpful.

PETER E. HOLMES,
Director Office for Civil Rights.

1. The school districts in which 170,000 children were reassigned since January, 1973, from formerly racially isolated or racially identifiable classes pursuant to the nondiscrimination provisions of the Emergency School Aid Act (ESAA) are listed in Tab A. The listing also provides information as to the racial/ethnic enrollment of these school districts. The school districts listed are located in Regions III, IV, VI, and VII, which include the 17 Southern and Border states.

2. The Annual Enforcement Plan for fiscal year 1975 is being revised. A copy of the Annual Enforcement Plan for the Elementary and Secondary Education Division, which bears the responsibility for the Office's compliance enforcement program as it relates to elementary and secondary school systems or institutions, will be furnished to the Subcommittee when the plan is completed. I should mention, however, that student discipline has been selected as one of the two Operational Planning Systems (OPS) objectives to be submitted for tracking by the Secretary. I think this would evidence our deep commitment to accomplishing as much as possible in the area of student discipline during this fiscal year.

3. Title VI requires proof of "discrimination on the basis of race, color, or national origin." Statistics indicating that a higher proportion of minority pupils have been disciplined by school officials do not necessarily lead to the conclusion that minority pupils have been the subjects of discrimination by school officials. Without further investigation, it is difficult to contradict the possibility that in the particular school system, a higher proportion of minority pupils have been disciplined and disciplined fairly by school officials because of factors totally unrelated to race.

For example, in a school district with a 50 percent minority enrollment, assume the statistics show that the district expelled 10 minority students and five white students. Further investigation may show that all 10 minority students and all five white students were properly expelled for reasons totally unrelated to race. These facts would not constitute a violation of Title VI, despite the statistics.

Similarly, it is quite possible that minority students might be subject to discrimination even if a lower proportion of non-minority students are disciplined. For instance, in a school district with 50 percent minority enrollment, assume the school district expelled five minority students and 10 white students. The five minority students may have been expelled illegally for reasons related to race and the 10 white students may have been expelled fairly because of the commission of offenses warranting expulsion. Despite the statistics in this case, the school district would violate Title VI in its discriminatory treatment of minority students.

4. The Anne Arundel County (Maryland) School District was notified that it was selected for a pilot investigatory review. Although the review has been initiated, a determination of findings has not been made. The remaining school districts selected for pilot investigatory reviews are not identified inasmuch as this Office has not yet notified school district officials of their selection. When districts receive such notification, we will submit their names to the Subcommittee.

5. Student discipline (suspension, expulsions, and dropouts/pushouts) was included as a component in our priority setting exercise in preparation for the Annual Enforcement Plan. The staff, both Headquarters and Regional, agreed that student discipline receive 15 per cent of the total alloted to issues included in investigations undertaken pursuant to Title VI and Title IX. By memoranda

of March 20, 1973 and December 20, 1973. Dr. Lloyd R. Henderson, Director, Elementary and Secondary Education Division, communicated concern for accomplishing the maximum amount of compliance in this area. The Regional Offices have responded by listing student discipline as an issue to be included in several of the district investigations scheduled for FY 75. These investigations will be part of our total pilot effort. Copies of Dr. Henderson's memoranda have been included as Tab B.

6. OCR has not terminated Federal financial assistance nor initiated legal proceedings because of a school district's discriminatory student discipline practices. Nevertheless, during the two years the ESAA program has been in effect (FY 73 and FY 74) to date, this Office has notified 102 districts throughout the nation of possible compliance problems on the basis of statistics reporting a disproportionate impact of such practices on minority students. One district was subsequently notified it was ineligible to receive funds under ESAA because of discriminatory disciplinary practices, and 30 districts were notified that their disciplinary practices would be investigated more thoroughly in the post-grant phase (generally this means in-depth investigation sometime during the first half of FY 75): Our activity under ESAA to date has brought about changes in the disciplinary practices of 30 school districts. These changes have centered on the institution of due process requirements and on increasing the awareness of school district personnel of the impact of their actions.

7. We are unable to answer this question at this time because the data collected in the 1973-74 school survey has not yet been analyzed on a widespread basis. The Elementary and Secondary Education Division has identified the data analyses it desires, and the contractor has stated that the printouts will be ready in November. I will submit a response to the Subcommittee in answer to this question when the data becomes available to us. The unusual delay in obtaining this information was caused by our uncertainty until close to the end of FY 74 that we would have sufficient funds to have data analyses conducted. This was due primarily to the substantial outlays of contractural funds necessitated by the scope of our review of the New York City School System.

Included as Tab C are data based on the 1972-73 survey of elementary and secondary school districts. That particular data, which reports district actions during the 1971-72 school year, shows the numbers of expulsions, by region, within certain specified statistical categories.

These data show that the problems as they are defined occur more frequently in court order districts and more frequently in the South (where, of course, the bulk of the court orders are). Also, the data indicate that the problems occur more frequently in the urban areas; however, this may simply be the result of the criteria established for the categories and not reflect accurately the total national picture. These observations are only of a most general nature and should not be viewed as conclusive. The analyses requested for the 1973-74 data should give us more accurate data with which to answer your questions. We share your concerns for identifying where the problems are.

8. The FY 75 budget request would not increase the staff of the Elementary and Secondary Education Division. This means that the already existent compliance staff will bear the responsibility for the student discipline program in addition to other program responsibilities. Below is the current authorized strength of the eleven Elementary and Secondary Education Branch Offices:

Region	Office location	Professional staff	Clerk staff
I	Boston	9	2
II	New York	16	6
III	Philadelphia	14	6
IV	Atlanta	22	9
V	Chicago	12	5
V	Cleveland	13	4
VI	Dallas	25	7
VII	Kansas City	9	3
VIII	Denver	8	2
IX	San Francisco	23	8
X	Seattle	6	2
Total		157	54

To answer the second part of your question, investigation is not dependent on the receipt of a formal complaint, although the receipt of such a complaint may prompt an investigation. The data analyses referred to in question seven will serve serve to identify districts in which problems seem most apparent; the information will enable us to make informed decisions as to districts requiring further inquiry and to establish investigation priorities.

9. As I started in my response to question seven above, this information is not available at this time. I will be glad to provide this information to the Subcommittee when it is available to us.

10. The completion of the National School Survey of Public Elementary and Secondary School Systems is required. The form distributed to school systems states: "This report is required by Title VI of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972." The penalty for noncompliance could ultimately be the termination of Federal funds although this action has never been taken with reference to noncompletion of the survey. The completed forms are submitted to a contractor who edits selected items on the returns for accuracy and completeness (the majority of the items on the forms are edited). Admittedly, this editing process is not completely foolproof but it does reduce arithmetical errors and incomplete responses. On occasion, the data submitted is questionable (e.g., an extremely high number of students expelled) but it is not the contractor's responsibility to respond to the questionable data. Frequently these questions have been called to our attention by the contractor or have been recognized by the compliance staff in their regular use of the forms. The Elementary and Secondary Education Division realizes that much more needs to be done in this area. Letters were sent to several districts during the past year requesting additional or more specific data and reminding districts of their reporting responsibilities under the law. This process will be expanded as the Division establishes clearer working procedures in this area with the contractor.

V. PUPIL EXPULSION

A. EXPULSION QUESTION AND SURVEY COVERAGE

Each district in the 1971 survey was asked: "During the previous school year, how many pupils (by race/ethnic group) were officially expelled from any school in this system?"

Although not representative of the country as a whole, the answers to this question are probably representative of school districts attended by minority students, since approximately 90% of all minority students were included in the 1971 survey. Because of the *questionable answers* from a few districts, it must be emphasized that the results discussed below are "as reported" by the school districts surveyed.

B. 1971 RESULTS

Nationally, less than half the districts surveyed in 1971 said they expelled any students during the 1970–71 school year: 1226 districts, of the 2831 districts surveyed, reported expelling a total of 20.4 thousand students, or two out of every thousand students in school in those districts.

In those same districts as a whole, the expulsion rate for minority students was twice that of non-minority students, and for black students, three times that of non-minority students.

Omaha reported expelling the greatest number of minority students, 1091, and proportionately their expulsion *rate* for minority students (8%) was four times greater than their rate for non-minority students (2%).

One hundred eighty-one districts reported expelling ten or more minority students. Together, these districts accounted for 78% of the 11-thousand minority students reported as expelled.

Thirty-one of the 181 districts reported equal or near-equal expulsion rates for minority and non-minority students. The rest except for three districts, reported variously-disproportionate expulsion rates favoring non-minority students:

The minority expulsion rate was:

Double the non-minority rate in 31 districts.
Triple the non-minority rate in 26 districts.
Quadruple the non-minority rate in 16 districts.
Five to ten times the non minority rate in 49 districts.
Greater than ten times the non-minority rate in 25 districts.

11. The interviews conducted during an investigation will most assuredly include students and parents as well as administrators and teachers. It has long been our policy in conducting complaint investigations and on-site investigations to interview various individuals not employed by the school system. In the area of student discipline this would, of course, include students disciplined, their parents, individuals with an understanding of the community, and persons who may have interacted with the school system on student discipline issues.

Attachment 1 lists 90 of the 181 districts which reported the most minority expulsion in terms of amount and/or severity. Together, these 90 districts account for two-thirds of the 11 thousand total minority students reported expelled.

Three Districts Reporting Disproportionate Expulsion of Non-Minority Students

Three districts, of the 181 districts reporting ten or more minority students expelled, had disporportionate expulsion rates favoring *minority* students. Gary, Indiana reported expelling 12% of its 11 thousand non-minority students, but only 0.1% of its 34,622 minority students. 1,300 non-minority students were reported expelled and 39 minority students.

Long Beach, California and Petersburg, Virginia reported an expulsion rate for non-minority students that was double the rate for minority students. Long Beach reported 100 non-minority students expelled (0.2%) and [illegible] minority students (0.1%). Petersburg reported 8 non-minority students expelled (0.4%) and 11 minority students (0.2%).

Expulsions in the Top Twenty Cities (Districts Containing the Largest Minority Enrollments)

Reported expulsions were generally non-existent or low in the Top Twenty cities where the greatest number of minority students are enrolled (equalling 34% of all minority students survyed in 1971). Eleven of these districts reported no students expelled, minority or non-minority, and eight of the remaining nine districts reported equal or near-equal expulsion rates for minority and non-minority students. (However, Baltimore reported expelling the second highest *number* of minority students in the country.) Memphis' minority expulsion rate was double the non-minority rate.

The Top Twenty districts are listed on Attachment 2.

CIVIL RIGHTS SIGNIFICANCE

News reports and other sources have indicated that minority students have been suspended, expelled, and, in a number of cases, arrested following student walkouts, boycotts, and demonstrations over civil rights issues. An NEA report, covering 256 school districts in the South over a period of 18 months during 1971 and 1972, reported 24 thousand students involved in walkouts or boycotts, 25 thousand suspended and/or expelled and 2,570 students arrested.

Results from OCR's 1971 survey indicate that in general, minority students are twice as likely to be expelled as non-minority students and that black students in particular are three times as likely to be expelled as nonminority students.

Expulsions are just the tip of the iceberg. Within the power of a public school district, expulsion is the most extreme of several methods of discipline. As such, it is generally used only as a last resort and less frequently than other discipline measures, such as suspension. We have asked districts about expulsion because we thought they would have reliable information available, since expulsion usually requires board action, and because we felt that if this most extreme pressure is being disproportionately applied to one or another race or ethnic group in a school district, this could possibly indicate a more wideranging problem of mis-applied student discipline in a district.

On the other hand, lack of expulsion, such as indicated by a number of large districts, does not suggest that student discipline is being handled equitably. Some districts have a policy of expelling no one, including districts that send students to schools established especially for "discipline problems." For those districts, OCR's survey question about expulsion cannot enlighten us about their discipline practices.

SCHOOL DISTRICTS IN REGIONS III, IV, VI, AND VII (WHICH INCLUDE THE 17 SOUTHERN AND BORDER STATES) IN WHICH STUDENTS WERE REASSIGNED FROM FORMERLY RACIALLY ISOLATED OR IDENTIFIABLE CLASSES UNDER ESSA SINCE JANUARY 1973

[The enrollment data is unedited 1973-74 survey data unless otherwise noted; an * denotes data from the 1972-73 survey]

School system	State	Region	Enrollment					
			American Indian	Black	Asian American	Spanish-surnamed American	Others	Total
Seaford	Delaware	III	3	888	4	4	2, 950	3, 849
Alexandria	Virginia	III	16	5, 346	224	258	8, 486	14, 330
Amherst	do	III	18	1, 766	3	0	3, 831	5, 618
Brunswick	do	III	0	2, 609	1	0	715	3, 325
Buckingham	do	III	3	1, 564	3	0	1, 128	2, 698
Charlottesville	do	III	6	1, 771	15	13	4, 885	6, 690
Chesapeake	do	III	51	7, 680	62	48	18, 489	26, 330
Danville	do	III	0	3, 169	0	0	6, 302	9, 471
Essex County	do	III	19	1, 151	1	0	815	1, 986
Halifax County	do	III	2	3, 901	0	0	3, 597	7, 500
Henry County	do	III	0	3, 865	4	1	9, 805	13, 675
King George County	do	III	0	737	0	2	1, 517	2, 257
King William County	do	III	35	977	1	0	482	1, 495
Louisia County	do	III	0	1, 711	3	4	2, 011	3, 729
Middlesex County	do	III	0	713	0	0	715	1, 428
Pittsylvania	do	III	1	6, 808	0	0	8, 453	15, 262
South Boston	do	III	0	685	10	1	854	1, 550
York County	do	III	34	1, 639	32	29	6, 720	8, 454
Alexander City	Alabama	IV	0	1, 192	0	0	2, 385	3, 577
Andalusia City	do	IV	0	611	0	3	1, 825	2, 439
Barbour County	do	IV	0	2, 291	0	0	686	2, 977
Birmingham City	do	IV	1	33, 451	22	28	21, 010	54, 512
Brewton City	do	IV	0	490	0	0	1, 009	1, 499
Butler County	do	IV	0	2, 642	0	0	1, 681	4, 323
Clarke County	do	IV	0	3, 299	0	0	1, 359	4, 658
Conecuh County	do	IV	0	2, 033	0	0	1, 418	3, 451
Demopolis City	do	IV	0	887	0	0	868	1, 755
Elda City	do	IV	0	463	0	0	1, 329	1, 792

Escambia County	do	IV	194	2, 197	0	4	3, 862	6, 257
Enterprise City	do	IV	0	1, 074	1	0	3, 775	4, 850
Elmore County	do	IV	0	2, 513	3	4	4, 347	6, 867
Gadsden City	do	IV	0	2, 999	6	1	6, 305	9, 311
Henry County	do	IV	0	1, 666	1	1	1, 259	2, 927
Huntsville City	do	IV	23	5, 676	123	104	28, 233	34, 159
Lee County	do	IV	0	2, 260	2	0	2, 663	4, 925
Limestone County	do	IV	0	1, 219	0	0	5, 495	6, 714
Marion City	do	IV	0	618	0	0	411	1, 029
Mobile County	do	IV	12	29, 887	18	45	35, 222	65, 184
Baldwin County	Georgia	IV	0	3, 173	0	26	3, 168	6, 367
Brooks County	do	IV	0	1, 967	0	0	1, 067	3, 034
Butts County	do	IV	0	1, 412	0	0	1, 187	2, 599
Chatham County	do	IV	5	17, 907	48	22	15, 785	33, 767
Clarke County	do	IV	4	3, 800	56	29	6, 609	10, 498
Colquitt County	do	IV	9	2, 526	1	5	5, 405	7, 946
Columbia County	do	IV	35	1, 477	71	33	5, 237	6, 853
DeKalb County	do	IV	26	11, 076	206	253	75, 936	87, 497
Dodge County	do	IV	2	1, 514	0	0	2, 659	4, 175
Dooly County	do	IV	0	1, 749	3	0	559	2, 311
Dougherty County	do	IV	0	9, 914	32	34	12, 057	22, 037
Effingham County	do	IV	0	1, 040	0	0	2, 641	3, 681
Fitzgerald City	do	IV	0	1, 035	0	0	1, 172	2, 207
Jasper County	do	IV	1	887	0	3	504	1, 389
Lanier County	do	IV	5	515	1	2	853	1, 374
Lowndes County	do	IV	0	1, 760	0	0	5, 066	6, 826
McDuffie County	do	IV	0	1, 885	2	1	1, 930	3, 818
Mitchell County	do	IV	0	1, 958	3	0	523	2, 484
Montgomery County	do	IV	0	703	0	0	822	1, 525
Muscogee County	do	IV	12	13, 280	90	119	24, 218	37, 719
Randolph County	do	IV	0	1, 372	0	0	410	1, 782
Richmond County	do	IV	73	13, 884	249	170	16, 863	31, 239
Taylor County	do	IV	0	1, 057	0	0	724	1, 781
Thomas County	do	IV	0	1, 962	0	0	2, 394	4, 356
Turner County	do	IV	0	1, 109	0	0	1, 033	2, 142
Waycross City	do	IV	0	1, 942	1	0	2, 014	3, 957
West Point City	do	IV	0	659	0	0	321	980
Wilcox County	do	IV	0	733	0	0	882	1, 615
Wilkes County	do	IV	0	1, 379	0	0	751	2, 130

SCHOOL DISTRICTS IN REGIONS III, IV, VI, AND VII (WHICH INCLUDE THE 17 SOUTHERN AND BORDER STATES) IN WHICH STUDENTS WERE REASSIGNED FROM FORMERLY RACIALLY ISOLATED OR IDENTIFIABLE CLASSES UNDER ESSA SINCE JANUARY 1973—Continued

[The enrollment data is unedited 1973-74 survey data unless otherwise noted; an * denotes data from the 1972-73 survey]

			Enrollment					
S[illegible]stem	State	Region	American Indian	Black	Asian American	Spanish-surnamed American	Others	Total
Asheville	North Carolina	IV	0	127	0	0	302	429
Brunswick County	do	IV	11	2, 422	1	4	4, 957	7, 395
Charlotte-Mecklenburg	do	IV	164	26, 254	82	171	51, 928	78, 599
Duplin County	do	IV	4	4, 257	0	2	5, 519	9, 782
Durham County	do	IV	5	3, 870	30	12	11, 763	15, 680
Elizabeth City—Pasquotank	do	IV	2	2, 662	14	5	3, 324	6, 007
Fayetteville City	do	IV	56	6, 036	44	63	4, 975	11, 174
Goldsboro	do	IV	0	3, 808	8	2	2, 459	6, 277
Greensboro City	do	IV	101	10, 814	75	0	16, 883	27, 873
Greenville City	do	IV	2	2, 379	16	6	3, 235	638
Hickory City	do	IV	3	1, 072	6	1	4, 688	5, 770
High Point City	do	IV	46	3, 929	4	4	6, 970	10, 953
Hoke City	do	IV	674	2, 549	0	1	1, 624	4, 848
New Hanover County	do	IV	23	5, 452	34	18	14, 164	19, 691
Raleigh City	do	IV	10	7, 203	130	66	13, 414	20, 823
Salisbury City	do	IV	4	1, 545	0	1	2, 037	3, 587
St. Paul's City	do	IV	175	682	0	0	771	1, 678
Statesville City	do	IV	20	1, 325	3	1	2, 532	3, 881
Tyrell County	do	IV	1	564	2	2	417	986
Union County	do	IV	21	2, 247	2	7	8, 502	10, 779
Wake County	do	IV	24	7, 406	32	15	23, 677	31, 154
Warren County	do	IV	150	3, 241	0	0	917	4, 308
Washington County	do	IV	0	1, 557	0	0	2, 390	3, 947
Wayne County	do	IV	5	4, 468	35	7	9, 952	14, 467
Wilson County	do	IV	0	2, 322	0	0	2, 488	4, 801
Winston-Salem/Forsyth	do	IV	32	14, 242	29	11	31, 487	45, 801
Bamberg No. 2	South Carolina	IV	1	1, 416	4	0	257	1, 678
Chester County	do	IV	0	3, 915	2	2	3, 641	7, 560
Dillon No. 3	do	IV	0	1, 075	0	0	1, 000	2, 075
Greenwood No. 50	do	IV	5	3, 675	3	9	6, 239	9, 931
Greenville County	do	IV	24	12, 635	59	45	43, 835	56, 598
Lancaster	do	IV	0	3, 444	0	0	8, 029	11, 473
Marlboro County	do	IV	4	4, 285	0	0	3, 496	7, 785
Marion No. 3	do	IV	0	807	0	0	131	938

Orangeburg No. 4	do	IV	0	877	0	0	758	1, 635
Orangeburg No. 5	do	IV	0	4, 713	0	0	1, 877	6, 590
Richland No. 1	do	IV	26	1, 738	96	119	8, 146	10, 125
Saluda	do	IV	0	984	0	0	984	1, 968
Williamsburg County	do	IV	0	7, 585	0	0	1, 859	9, 444
York No. 1	do	IV	2	1, 404	0	0	2, 388	3, 798
Escambia County	Florida	IV	117	13, 540	317	195	33, 402	47, 571
Orange County	do	IV	185	16, 262	327	1, 354	67, 338	85, 466
Earlington Ind	Kentucky	IV	0	238	0	0	316	554
Newport Ind	do	IV	6	217	5	5	4, 191	4, 424
Okalona MSSD	Mississippi	IV	0	805	0	0	604	1, 409
Senatobia MSSD	do	IV	0	544	0	0	598	1, 142
Humboldt City	Tennessee	IV	0	1, 269	0	0	1, 570	2, 839
Jackson City	do	IV	0	3, 581	0	0	3, 843	7, 244
Nashville City	do	IV	25	24, 067	117	69	59, 573	83, 857
Shelby County	do	IV	15	5, 497	105	83	15, 128	20, 828
Foreman	Arkansas	VI	0	245	0	0	542	787
Lakeside	do	VI	0	1, 167	8	2	587	1, 774
Acadia	Louisiana	VI	0	2, 943	0	0	8, 958	11, 901
Bienville Parish	do	VI	0	2, 515	1	0	1, 583	4, 099
Catahoula Parish	do	VI	0	1. 118	0	0	2, 214	3, 542
Morehouse	do	VI	0	4, 672	0	0	3, 105	7, 777
Natchitoches	do	VI	2	4, 463	3	37	4, 107	8, 612
St. Charles Parish	do	VI	3	3, 169	0	16	5, 818	8, 906
Tensas	do	VI	0	1, 884	0	2	481	2, 367
Bloomfield	New Mexico	VI	696	0	0	461	1, 017	2, 174
Duloe	do	VI	508	0	0	53	39	600
Espanola	do	VI	386	15	11	5, 483	534	6, 429
Taos	do	VI	149	7	1	2, 599	504	3, 260
Frederick	Oklahoma	VI	32	347	0	178	961	1, 518
Grant	do	VI	33	257	0	0	151	441
Hugo	do	VI	344	330	6	6	1, 134	1, 820
Wewoka	do	VI	187	283	0	0	767	1, 237
Carthage	Texas	VI	0	1, 031	0	0	1, 625	2, 656
DeKalb	do	VI	0	459	0	11	871	1, 341
Jasper	do	VI	0	1, 301	0	1	1, 900	3, 202
Tatum	do	VI	2	287	2	0	369	660
Waterloo	Iowa	VII	36	2, 483	17	23	14, 796	17, 355
Atchison No. 409	Kansas	VII	14	317	5	13	1, 965	2, 314
Dodge No. 443	do	VII	8	118	10	295	3, 874	4, 305
Witchita No. 259	do	VII	474	9, 437	214	1, 382	43, 969	55, 476
Kansas City	Missouri	VII	215	34, 677	118	1, 931	25, 155	62, 096
North Pemiscott	do	VII	0	289	0	0	693	982
University City	do	VII	0	4, 467	47	33	2, 846	7, 393

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
March 20, 1973.

Memorandum to: Regional Civil Rights Directors.
From: Lloyd R. Henderson, Director, Elementary and Secondary Education Division.
Subject: Student Discipline Cases.

As you know our activity in the area of student discipline has been on a case-by-case basis, and usually in response to one or more complaints. Often we are able to establish a statistical pattern of disproportionate impact in connection with minorities; however, we are left with the problem of evidence to prove discrimination. Since our involvement generally comes as a result of a specific complaint, we are often confronted with the "who struck John" situation. The proof of discrimination in a specific incident is at best extremely difficult because of the "he said-she said" nature of the evidence. In addition, the school systems can rebut almost any fact and conclusion we may present in a specific case with fairly persuasive evidence of habitual bad conduct of the minority child. As a consequence we have not been very successful in preventing the discriminatory administration of discipline or of bringing hearings where we believe it has been discriminatory.

It appears that the most logical approach to reach the solution of discriminatory discipline cases is to establish proof of discriminatory discipline patterns. Some of you already have started activity in this area. Barry Anderson suggested an idea by which we might become more successful in establishing the proof of discrimination.

In recent years the Federal courts have dealt with issues in equal employment opportunity with similarly difficult elements of proof. I think that with expertise which has been acquired in the Regions, the application of those principles in related fields, a little time, and some ingenuity, we can develop a method to prove discrimination where it exists.

In order to develop such a method of proof we propose to select a small number of school districts which have engaged in discriminatory discipline, for review. The procedure will consist of four steps:

1. District identification.
2. Data requests.
3. Selection of districts for review.
4. On-site review and legal remedy.

The first step is identifying districts which have evidenced problems in discipline. All of these districts will not be reviewed; they are the districts which will be surveyed to determine the test cases. The criteria for identification are that the district should:

(a) Have at least two years of desegregation at the secondary level.
(b) Have had complaints against it of discriminatory discipline.
(c) If possible, be an ESAA district.
(d) Have capabilities to produce necessary data displays.
(e) Have some system of record keeping for disciplinary actions taken in addition to suspensions and expulsions.
(f) Not be a large district (over 20,000 student population).

If you or your Branch Chief have special knowledge of a district which would make it a desirable test case, please forward the pertinent information. The Education Branch should identify, if possible, five districts in your Region which come closest to meeting the above-stated criteria. For your information, I am enclosing a Draft of the 1971 Expulsion Survey compiled by Program Planning and Evaluation. (Attachment A).

The second step is a letter from you to the districts selected for review requesting the following information within twenty days from receipt of the letter:

(a) A race/ethnic discipline data display for the school years 1971 and 1972 by secondary school and grade level showing the reason for the discipline and the punishment rendered. (See Attachment C).

(b) A district summary of the above by Junior High School and separately by Senior High School. (Attachment D).

NOTE.—Items A and B are to be used for different analyses.

(c) A narrative description of the district's disciplinary rules including:

(1) What are the rules of conduct?

(2) Who determines violations aand what standards are used to make such determinations?

(3) What standards for application of rules are written?

(4) How are teachers informed of these standards?

(5) How are students informed?

(6) What is the suspension process?

(7) What is the expulsion process?

(8) Who metes out the punishment?

(9) What options of punishment are available?

(d) The same as (c) above for each school which has different or additional standards.

The third step is to review the data submitted to determine which districts should be selected for review. The criteria for selection are:

(a) A high number of blacks or other minorities disciplined in relation to their number in the district as compared to the low number of whites disciplined.

In order to be selected, a district should have three of the above four criteria. The selection of the districts does not have to be based on district-wide statistics. If one school appears to have all the elements and the district does not, the district should still be considered.

The last step in reviewing selected districts—the details of which will be worked out at the time of selection.

I have asked Barry Anderson to coordinate the student discipline effort. Part of his assignment is to assist the Regions in the selection of the districts to be reviewed and in the conduct of the reviews in order to establish the elements of proof. If you have any questions about the process, methods, theories of proof to be used, or wish to provide additional input, please contact Barry at (202) 962-1624.

I realize that you have other priorities—*Adams* v. *Richardson*, ESAA, and routine reviews—which are using up your staff. All I can say is that this effort is important, too. It does little good to require desegregation if the minority kids are then discriminatorily pushed out of school.

Attachments.

ATTACHMENT A (DRAFT)

1971 Survey Totals (2381 Districts).

Expelled pupils.

EXPULSION QUESTION AND SURVEY COVERAGE

Each district in the 1971 survey was asked: "During the previous school year, how many pupils [by race/ethnic group] were officially expelled from any school in this system?"

Although not representative of the country as a whole, the answers to this question are probably representative of school districts attended by minority students, since approximately 90% of all minority students were included in the 1971 survey. Because of the questionable answers for a few districts, it must be emphasized that the results discussed below are "as reported" by the school districts surveyed.

1971 RESULTS

Nationally, less than half the districts surveyed in 1971 said they expelled any students during the 1970–71 school year: 1227 districts, of the 2831 districts surveyed, reported expelling a total of 21-thousand students, or two out of every thousand students in school in those districts.

In those same districts as a whole, the expulsion rate for minority students was twice that of non-minority students, and for black students, three times that of non-minority students.

Omaha expelled the greatest number of minority students, 1091, and proportionately, their expulsion *rate* for minority students (8%) was four times greater than their rate for non-inority students (2%).

One hundred eighty-two districts expelled ten or more minority students. Together, these districts accounted for 78% of the 11-thousand minority students reported as expelled.

Thirty-two of the 182 districts had equal or near-equal expulsion rates for minority and non-minority students. The rest, except for three districts, had variously-disproportionate expulsion rates favoring non-minority students:

The minority expulsion rate was:

Double the non-minority rate in 31 districts.
Triple the non-minority rate in 26 districts.
Quadruple the non-minority rate in 16 districts.
Five to ten times the non-minority rate in 49 districts.
Greater than ten times the non-minority rate in 25 districts.

Attachment 1 lists 91 of the 182 districts which showed the most minority expulsion in terms of amount and/or severity. Together, these 91 districts account two-thirds of the 11 thousand total minority students reported expelled.

Three Districts Reporting Disproportionate Expulsion of Non-minority Students

Three districts, of the 182 districts expelling ten or more minority students, had disproportionate expulsion rates favoring *minority* students. Gary, Indiana reported expelling 12% of its 11-thousand non-minority students, but only 0.1% of its 34,622 minority students: 1,300 non-minority students were expelled and 39 minority students.

Long Beach, California and Petersburg, Virginia had an expulsion rate for non-minority students that was double the rate for minority students. Long Beach expelled 100 non-minority students (0.2%) and 17 minority students (0.1%). Petersburg expelled 8 non-minority students (0.4%) and 11 minority students (0.2%).

Expulsions in the Top Twenty Cities (Districts Containing the Largest Minority Enrollments)

Expulsions were generally non-existent or low in the Top Twenty cities where the greatest number of minority students are enrolled (equalling 34% of all minority students surveyed in 1971). Eleven of these districts reported no students expelled, minority or non-minority, and eight of the remaining nine districts had equal or near-equal expulsion rates for minority and non-minority students. (However, one district, Baltimore, reported expelling the second highest *number* of minority students in the country.) Memphis' minority expulsion rate was double the non-minority rate.

The Top Twenty districts are listed on Attachment 2.

CIVIL RIGHTS SIGNIFICANCE

News reports and other sources have indicated that minority students have have been suspended, expelled, and, in a number of cases, arrested following student walk outs, boycotts, and demonstrations over civil rights issues. An NEA report, covering 256 school districts in the South over a period of 18 months during 1971–72, reported 24 thousand students involved in walkouts or boycotts, 25 thousand suspended and/or expelled and 2,570 students arrested.

Expulsions are just the tip of the iceberg. Within the power of a public school district, expulsion is the most extreme of several methods of discipline. As such it is generally used only as a last resort and less frequently than other measures, such as suspension. We have asked districts about expulsion because we thought they would have reliable information available, since expulsion usually requires board action, and because we felt that if this most extreme measure is being disproportionately applied to one or another race or ethnic group in a school district, this is likely to indicate a more wide-ranging problem of misapplied student discipline in that distrct.

On the other hand, lack of expulsion, such as indicated by a number of large districts, does not suggest that student discipline is being handled equitably. Some districts have a policy of expelling no one, including districts that send students to schools established especially for "discipline problems". These districts may be mis-applying discipline, but a single survey question about expulsion will not enlighten us about their discipline practices.

ATTACHMENT 1

NINETY-ONE DISTRICTS REPORTING MOST MINORITY EXPULSION

The 91 districts are divided into six sub-lists. The sub-lists are presented in what we consider to be their order of importance, considering both the number of minority students expelled and the severity or disproportion of expulsion for minority students versus non-minority students.

Fifteen districts expelled more than 100 minority students. In eight of those districts, the minority expulsion rate was double or more than double the non-minority expulsion rate. The eight districts were:

NOTE.—The expulsion rates are the percent columns under A and B.

	(A)		(B)		(C)	(D)
	Mincrity expelled		Nonminority expelled			
	Percent	Percent of Col. C	Percent	Percent of Col. D	Minority total	Nonminority total
Vernon Parish, La	163	13.5	146	1.9	1,209	7,655
St. Martin Parish, La	644	16.1	245	4.5	4,002	5,440
Omaha, Nebr	1,091	8.0	1,040	2.1	[illegible]	50,352
Jefferson Parish, La	181	1.2	173	.3	[illegible]	50,671
Mobile, Ala	104	.3	18	.1	[illegible]	35,548
East Baton Rouge Parish, La	130	.5	100	.3	[illegible]	39,866
Charleston County, S.C	126	.5	60	.2	[illegible]	29,338
Memphis, Tenn	120	.2	36	.1	[illegible]	67,242

Fifteen other districts expelled from 50 to 99 minority students. In 14 of those districts, the minority expulsion rate was double or more than double the non-minority expulsion rate. The 14 districts were:

	(A)		(B)		(C)	(D)
	Minority expelled		Nonminority expelled			
	Nnmber	Percent of Col. C	Number	Percent of Col. D	Minority total	Nonminority total
Bloom Township High, Ill	60	3.6	10	0.3	1,677	2,995
Lafayette Parish, La	80	1.1	30	.1	7,150	21,488
Texarkana, Tex	71	3.7	35	.7	1,920	4,818
Oklahoma City, Okla	70	.4	41	.1	19,570	43,571
Suwannee County, Fla	74	6.4	72	2.3	1,162	3,086
Saginaw, Mich	57	.6	24	.2	9,871	12,400
Corpus Christi, Tex	67	.3	18	.1	26,370	19,530
Flint, Mich	60	.3	18	.1	20,086	25,424
Poughkeepsie, N.Y	78	4.0	61	1.8	1,959	3,345
Niagara Falls, N.Y	92	2.8	241	1.7	3,316	13,842
Ogden, Utah	59	2.3	164	1.2	2,581	13,559
Galveston, Tex	70	.9	16	.4	7,944	4,569
Kansas City, Kans	70	.6	73	.3	12,540	21,864
Indianapolis, Ind	50	.1	25	0	38,992	63,334

One hundred seven districts expelled from 10 to 24 minority students. The minority expulsion rate was double or more than double the non-minority rate in eighty-eight of those districts. Seventeen districts had a minority expulsion rate that was greater than ten times the non-minority rate. Here are those districts:

	(A)		(B)		(C)	(D)
	Minority expelled		Nonminority expelled			
	Number	Percent of Col. C	Number	Percent of Col. D	Minority total	Nonminority tota
Fayette County, Ky	15	0.2	0	0	6,513	29,599
Garden Grove, Calif	10	.1	1	0	6,959	45,024
Ontario 8, Oreg	10	1.7	1	0	958	2,344
Barrow County, Ga	11	1.2	1	0	901	3,319
Acadia Parish, La	11	.4	1	0	2,899	9,019
Rockford, Ill	15	.3	2	0	5,915	36,218
Nacogdoches, Tex	14	.8	0	0	1,706	2,934
Dublin City, Ga	18	1.1	1	0	1,652	2,216
Pomona Unif., Calif	15	.2	1	0	8,871	13,272
Shaker Heights, Ohio	14	.7	2	0	2,010	5,320
York, Pa	12	.5	2	0	2,491	6,539
Bowling Green, Ky	13	1.6	5	.1	834	4,716
Normandy, Mo	11	.3	0	0	3,504	5,516
Pulaski County Spec., Ark	15	.3	4	0	5,251	21,696
Ozark City, Ala	12	1.4	5	.1	836	3,725
Pender County, N.C	16	.6	1	0	2,566	2,032
Fairfield City, Ala	16	1.0	0	0	1,677	1,233

Forty-seven of the 182 districts expelling ten or more minority students expelled at least 1% of their total minority students. The preceding lists of districts include 26 of these districts. The remaining 21 districts are listed below in descending order of their percent of all minority students expelled:

	(A)		(B)		(C)	(D)
	Minority expelled		Nonminority expelled			
	Number	Percent of Col. C	Number	Percent of Col. D	Minority total	Nonminority total
Sargent, Colo	158	100.0	268	100.0	158	268
Benton County, Miss	118	9.8	71	10.8	1,199	658
Essex County Vocational, N.J	75	6.2	58	6.5	1,219	887
Norphlet, Ark	11	6.1	13	3.1	180	423
Carthage, Ark	11	5.6	1	1.0	198	101
Chandler High No. 202, Ariz	22	4.9	23	1.8	452	1,264
Citrus County, Fla	19	3.3	100	2.7	576	3,691
Providence, R.I	149	2.7	332	1.8	5,597	18,554
St. Anne Community High, Ill	11	2.5	0	0	438	211
North Sacramento Elementary, Calif	35	2.1	53	1.4	1,691	3,733
Tooele County, Utah	18	1.9	65	1.1	944	5,988
Romulus Community, Mich	19	1.8	58	1.1	1,028	5,271
Upson County, Ga	20	1.8	24	1.6	1,135	1,526
Barnwell County, No. 45, S.C	16	1.7	6	.5	949	1,187
Huntsville, Tex	23	1.6	8	.4	1,479	2,177
San Angustine, Tex	12	1.6	8	1.0	771	794
Camden County, Ga	18	1.4	8	.4	1,305	1,936
Ecorse, Mich	31	1.3	21	1.2	2,357	1,729
Iredell County, N.C	24	1.2	19	.2	1,962	8,415
Idabel, Okla	10	1.2	9	.6	837	1,402
Putnam County, Ga	15	1.1	3	.4	1,403	672

For the record: In addition to 25 previously listed districts, the following 4 additional districts expelled more than 50 minority students:

	(A) Minority expelled		(B) Nonminority expelled		(C)	(D)
	Number	Percent of Col. C	Number	Percent of Col. D	Minority total	Nonminority total
Baltimore, Md	956	0.7	319	0.5	129,993	60,742
Dayton, Ohio	190	.8	248	.8	23,693	31,348
Louisville, Ky	113	.5	124	.5	24,654	25,786
New Orleans, La	111	.1	33	.1	79,110	28,323

ATTACHMENT 2

Here are the Top Twenty districts, listed in order of their minority enrollment totals:

	(A) Minority expelled		(B) Nonminority expelled		(C)	(D)
	Number	Percent of Col. C	Number	Percent of Col. D	Minority total	Nonminority total
New York City	(1)	(1)	(1)	(1)	727,297	424,418
Chicago	0	0	0	0	383,601	185,321
Los Angeles	36	0	9	0	324,634	309,504
Detroit	0	0	0	0	189,024	94,105
Philadelphia	0	0	0	0	176,856	96,602
District of Columbia	1	0	0	0	135,977	5,450
Baltimore	956	0.7	319	0.5	129,993	60,742
Houston	0	0	0	0	123,994	107,587
Miami	13	0	4	0	119,110	125,712
Cleveland	0	0	0	0	88,742	60,112
New Orleans	111	.1	33	.1	79,110	28,323
Memphis	120	.2	36	.1	78,661	67,242
St. Louis	0	0	0	0	73,601	34,385
Dallas	0	0	0	0	73,410	85,782
Atlanta	24	0	1	0	72,474	27,698
Newark	38	.1	8	.1	69,841	9,820
San Antonio	0	0	0	0	58,941	16,014
San Francisco	1	0	0	0	55,241	28,343
Oakland	0	0	0	0	46,371	15,617
Milwaukee	0	0	0	0	42,497	89,318

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[1] Unknown.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C.

ATTACHMENT B (SAMPLE LETTER)

ESAA

DEAR SUPERINTENDENT: Your district (has made application for or is a recipient of) funds under the Emergency School Aid Act. Section 185.43(d)(4) of 45 CFR 185 states that:

(d) Discrimination against children.

> No educational agency shall be eligible for assistance under the Act if, . . . it has had or maintains in effect any practice, policy, or procedure which results or have resulted in . . .
>
> (4) Imposing disciplinary sanctions, including expulsions, suspensions, or corporal or other punishment, in a manner which discriminates against minority group children on the basis of race, color, or national origin.

We are requesting specific information in connection with your disciplinary practices and procedures to determine your compliance with the above cited section and pursuant to the assurance your school district gave to provide ". . . information in such form as the Secretary . . . may require" and "Records relating to the practices or procedures referred to in Section 185.43(d) including specific information as to disciplinary sanctions (. . .) imposed upon minority and non-minority group children in every school operated by the applicant" (45 CFR 185.13(k)).

Within twenty days from the receipt of this letter, your school district is requested to provide this Office the following:

(*a*) A data display for school years 71 and 72 by secondary school and grade level showing the reason disciplined and punishment received by race and/or ethnic group. (See Attachment A)

(*b*) A district summary for all junior high schools and separately for all senior high schools. (See Attachment B)

(*c*) A narrative description of the district's disciplinary practices, policies, and procedures including: Expulsions, suspensions, corporal or other punishment; statement of general rules of conduct; who determines violations; how are the violations determined; what standards are used; how are the standards established, communicated, implemented; who metes out punishment; how; what options are available?

(*d*) Same as (*c*) above for each school.

Within twenty days of receipt of the data submitted, your district will be notified as to the exact date representatives from this Office will begin their on-site review.

We appreciate your cooperation in this matter.

Sincerely,

Regional Civil Rights Director.

cc: Chief State School Officer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.

ATTACHMENT B(1)

TITLE VI

DEAR SUPERINTENDENT: Your district is subject to Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on race, color or national origin by a recipient of Federal financial assistance in the delivery of services pursuant to such assistance. Section 80.6(c) of 45 CFR 80 states that:

> (*c*) Access to sources of information.
>
> Each recipient shall permit access by the responsible Department official or his designee . . . to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part.

We are requesting specific information in connection with your disciplinary practices and procedures to determine the compliance status of your school district in the area of discipline.

Within twenty days from the receipt of this letter, your school district is requested to provide this Office the following:

(*a*) A data display for school years 71 and 72 by secondary school and grade level showing the reason disciplined and punishment received by race and/or ethnic group. (See Attachment A)

(*b*) A district summary for all junior high schools and separately for all senior high schools. (See Attachment B)

(*c*) A narrative description of the district's disciplinary practices, policies, and procedures including: Expulsions, suspensions, corporal or other punishment; statement of general rules of conduct; who determines violations; how are the violations determined; what standards are used; how are the standards established, communicated, implemented; who metes out punishment; how; what options are available?

(*d*) Same as (*c*) above for each school.

Within twenty days of receipt of the data submitted, your district will be notified as to the exact date representatives from this Office will begin their on-site review.

We appreciate your corporation in this matter.

Sincerely,

——— ———,
Regional Civil Rights Director.

cc: Chief State School Officer.

ATTACHMENT C

District..........................
School........... Grade level...........
Number of minorities......... Number of nonminorities.........

Reason disciplined	Number of minorities	Percent total	Punishment	Number of non-minorities	Percent total	Punishment

ATTACHMENT D

District..........................
Junior high (senior high)
Number of minorities......... Number of nonminorities.........

Reason disciplined	Number of minorities	Percent total	Punishment	Number of non-minorities	Percent tota l	Punishment

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DECEMBER 20, 1973.

To: Regional Civil Rights Directors, Elementary and Secondary Education Branch Chiefs.

From: Lloyd R. Henderson, Director, Elementary and Secondary Education Division.

Subject: Student discipline.

The attached article which appeared in *The Washington Post* on Thursday, November 29, 1973, serves to remind us of the seriousness of the push-out problem, particularly as it is evidenced by suspension and expulsion statistics. The conclusion of the article that HEW needs to do more in this area is one with which I think we can all agree. Our limited discussion of the article at the recent branch chiefs' meeting showed that we have done little in the area of student discipline.

Admittedly, the push-out problem goes beyond student discipline issues. I think we have begun to address the problem to a great extent by justifiably concentrating our resources on assuring that LEA's provide equal educational opportunity for all students, or more specifically that the practices of school districts assigning minority students to lower ability groups or tracks—the educational dead ending of minority students—stop. Nevertheless, since we do have a new funding cycle beginning under ESAA and since the Regulation specifically addresses student discipline in Section 185.43(d)(4), I think with some additional effort we can get much further in the area of correcting student discipline problems than we have so far.

This year we have the advantage of the revised OS/CR 101 and 102 survey forms containing information on both expulsions and suspensions for the 72–73 school year. In the past, the information on suspensions has often been difficult to obtain because school systems' record keeping left much to be desired; now, there has to be some obtainable record on which the 101 and 102 information is based. Even though the statistical information available on the 101's and 102's is not the most complete data we could have (e.g., it is useful to know by race, ethnicity what the duration of suspensions is since our limited experience so far has shown that minority students are not only suspended more frequently but are also suspended for longer periods of time), it does give an indication of the possible disproportionate inclusion of minority students in the district's meting out of discipline.

Therefore, I suggest that we now use the disproportionate inclusion of minority students as a trigger to further investigation, following as a rule of thumb, either a significant difference between the minority students of the district and the percentage of minority students suspended and/or expelled, or a comparison of the minority composition of the school and the percentage of minority students suspended and/or expelled at that school. The ESAA manual and my March 20, 1973, memorandum on student discipline cases should be adequate guides as to what additional material to request and analyze. Obviously, you should try to get as much mileage as possible out of what you get. We may feel that the statistical over-inclusion of minority students sets up an assumption of discrimination, as in special education and ability grouping, but we still have to prove discriminatory treatment to establish a case.

I know we need to do more work in determining violations and providing better guidelines for use in reviews. At headquarters, we are working to set up teams which can be sent into selected sites. I would like to send teams of headquarters personnel into several regions so that we can start to develop some better guidelines. Please let me know by January 15, 1974 if you would like to have a team, the site you would like investigated, and the dates you would like the investigation to take place. I am proposing that these teams work in addition to any reviews that can be done on student discipline by the personnel in your region. I know you already have a great deal to do, but I know too that with some additional effort we can accomplish a great deal for minority students who are being mistreated through the discriminatory use of disciplinary procedures.

Attachment.

INFORMATION OFFICE,
OFFICE OF CIVIL RIGHTS,
November 30, 1973.

NEWS

[From the Washington Post, Nov. 29, 1973]

BLACKS TARGET OF "PUSHOUTS"

OUSTERS OF MINORITY STUDENTS BARED IN SURVEY

(By Austin Scott)

The Southern Regional Council reported yesterday that as "part of a pattern of continuing resistance to desegregation . . . extraordinarily large and disproportionate numbers of minority students have been suspended, expelled, and induced to drop out of many desegregated school systems."

These "pushouts" have been going on across the South "for the past several years," and "there is every reason to believe that pushouts exist throughout the nation," the Council said.

Based in Atlanta, the council has worked to oppose racial discrimination for 30 years. In an 83-page report, prepared in conjunction with the Robert F. Kennedy Memorial, an organization aiding minority youth, it said:

"The pushout problem appears to be related to major desegregation, especially in those school districts where desegregation is poorly handled and educators are still committed to resistance to it . . .

"In school districts which have tended to produce pushouts, often the most aggressive and aware black student leaders are among those removed from the schools."

The report defines pushouts as students who "have been expelled or suspended from school or who, because of intolerable hostility directed against them, finally quit school."

It said discriminatory and arbitrary actions by school authorities cause most of the problem, and it added that even though parents and school officials in some areas have studied the problem, "the exact number of such students cannot categorically be measured by any means now used by educators."

The council said schools gather statistics on dropouts, and it has tried to separate dropouts from pushouts, and from students expelled or suspended for cause.

To give an idea of the magnitude of the problem, the council cited figures from several areas.

During the first year of major desegregation in Little Rock High Schools, 1971–72, there were 1,881 suspensions of whom 79.9 per cent—or 1,504—were blacks.

Little Rock high schools were only 33.4 per cent black, the report said and its junior highs were 42.1 per cent black that year.

In St. Petersburg, Fla., suspensions rose from 3,500 in 1968–69 to 8,200 in 1970–71, with 9,500 predicted for the full 1971–72 school year, the council said.

Only 16 per cent of the St. Petersburg student enrollment is black, but blacks made up "about half of suspensitons."

Similar percentages were reported from Tampa, and from Broward County, Fla., the report said.

Anyone trying to make a serious study of the problem lacks sources of comprehensive statistics, the report said.

"The most remarkable aspect of this lack is the small effort made by the federal bureaucracy to assemble relevant data on post-desegregation discrimination," the council reported, said, adding:

"Despite their clear responsibility under Title 4 of the Civil Rights Act . . . neither the Office of Education nor the Department of Health, Education and Welfare has made a serious monitoring effort."

"The Department of HEW and the Department of Justice, mandated by the Constitution and federal law to be the guarantors of equal educational opportunity, have largely relinquished their legal and moral functions under the Nixon administration," turning "deaf ears and blind eyes to persistent denials of equal protection of the laws . . ."

Data collected by HEW's Office of Civil Rights on 2,831 school districts around the country enrolling 90 per cent of all minority students indicated "the expulsion rate for black students was three times that for non-minority students," the report said.

In 74 districts, it was five to 10 times and more than the rate for non-minorities.

Both HEW and the Justice Department said they could not comment on the report until they had studied it.

"We also supplied them information and documents on the steps that the Department of Justice had taken to remedy that particular problem."

There is a correlation between pushouts and dropouts, the report said, in that many pushouts never return to the classroom.

"These figures emphasize not only that black youngsters are out of school, but that the public schools are failing to hold large numbers of children of all races, with a disproportionate amount of the burden in some cities tending to fall upon blacks," it said.

It cited figures showing that for the school year 1970–71 Mississippi had 28,447 school-age youngsters out of school. North Carolina had 29,278, and Georgia had 22,042.

"Suspensions are often imposed for reasons that do not warrant such extreme action," it said, saying that desegregation often puts black students into schools dominated by white culture and tradition.

"Black students have been excluded from extracurricular activities, tracked into segregated classes and confronted with condescension or hostility," it said.

"School confrontations are provoked through discrimination in disciplining black students, by use of Confederate symbols, and the displacement of black principals, teachers and coaches which leaves black students without models.

"The highly sensitive issue of bi-racial dating triggers disciplinary reaction from school officials, often for nothing more than an innocent and casual greeting. Dress codes and school regulations are too easily manipulated in an unfair and arbitrary manner to restrict contemporary student lifestyles, often first introduced by blacks. The curriculum remains oriented around white, middle-class, college-bound students."

Many local school systems have become concerned enough about the problem to study it, the report said.

Its recommendations said HEW should assign "the highest priority" to compliance with civil rights standards; schools should reserve suspension and expulsion for "the most extreme violations of school rules" and apply them fairly, and students and teachers should take part in the disciplinary process.

The first set of papers define the available data on expulsions from the computerized analyses run on the 1972-73 survey data (expulsions for the 1971-72 school year). These definitions establish the criteria for inclusion of particular school districts in the various tables and groupings of the analyses. The second set of papers is a series of tables which show, by region and by compliance categories, the number of districts included in each category of the analyses. They also show enrollments and numbers of students expelled. Each region does not appear in each set of the tables because each region did not have districts which met the criteria for the various groupings imposed on the data.

ENFORCEMENT ANALYSES: TABLE V—EXPULSIONS[1]

OCR'S FALL 1972 ELEMENTARY AND SECONDARY SCHOOL CIVIL RIGHTS SURVEY

Part 1: HEW regional and State listing of districts in four groups:

Group 1: Districts where the minority students expelled were reported to be greater than or equal to 50, or, where at least 1% of all minority students were reported to be expelled.[1]

Group 2: Districts where the percent of total minority students reported expelled is double, or greater than double, the percent of total nonminority students reported expelled and where at least 50 minority students were reported expelled.[1]

Group 3: Districts where the percent of total minority students reported expelled is four, or more, times greater than the percent of total nonminority students reported expelled and where the minority expelled (ME) is reported to be less than 50, but at least 25.[1]

Group 4: Districts where the percent of total minority students reported expelled is 10, or more, times greater than the percent of total nonminority students reported expelled and where the minority expelled (ME) is reported to be less than 25, but at least 10.[1]

Districts are listed by state, within this HEW region, and then by group, within each state. For each listed district, relevant data is provided. The absence of any state means that no districts surveyed in that state fit the criteria for this table.

NOTES.—(1) Ignore the page numbers. (2) DI, CDI, and FDI are defined in Note 2 on cover page of Enforcement Analysis: Table I. (3) NOM—National Origin Minority—Students are the total grouping of non-Black minority students: American Indian, Asian (Oriental), and Spanish-surnamed students. (4) For this table, "R" is the ratio of the percent of total minority students reported expelled, divided by the percent of total nonminority ("other") students reported expelled. Examples: An R of 2 means that minority expulsion is double the rate of nonminority expulsion; an R of 3 means that minority expulsion is triple, and so forth. (Example: In X school district, 12% of all minority students were reported expelled, but only 3% nonminority students. Therefore: R equals 4) Exception: An R of 1000 means that calculation of R was not possible because reported nonminority expulsion was 0. Caution: Hand-calculation of R may result in slightly different results due to computer rounding and truncation of extremely large numbers.

Part 2: HEW regional and State summaries

Part 2 provides two summary pages for the Region and for every state in the Region. The first summary page is always a "universe projection"—an estimate representing the complete Region or state (see Note 2, below), based upon the actual districts surveyed, these districts usually being a smaller number than the complete universe of school districts in a state or Region. The second summary page is always a summary of the actual survey data.

Each summary page is divided into seven categories of school district, according to compliance category: (1) Plan, (2) Court Order, (3) Litigation, (4) 441, (5) Plan+441, (6) Court Order+Litigation, and (7) All Categories (Total Districts).

For each category, three lines of data are presented:

A. Total Number: All districts, schools and pupils (universe or actual) in that category.

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[1] School districts are examined to see if there is disproportionate expulsion of minority students, according to the reported numbers of students expelled. For Groups 2, 3, and 4, the calculation of "R" (see Note 4, above) is used as the measure of disproportion ("ME" means minority students expelled, in the title lines for these groupings.).

B. Topic Total: The total number of districts, schools and pupils (universe or actual) in districts reporting more than 0 students expelled.

C. Proportion of A (line B divided by line A): The proportion of the whole represented by the topic total. Each proportion can be read as a percent by moving the decimal point two spaces to the right.

NOTES.—(1) Ignore the page numbers. (2) "Universe projections" represent only the total universe of public school systems with 300 or more students, but these systems contain approximately 99% of all public elementary and secondary school students.

Part 3: National and geographic area summaries.

Part 3 provides two summary pages for the Nation and for each of the following geographic areas:

A. North and West (32 states: Hawaii not included because not surveyed): Alas., Ariz., Cal., Col., Conn., Ida., Ill., Ind., Iowa, Kan., Maine, Mass., Mich., Minn., Mont., Neb., Nev., N.H., N.J., N.M. N.Y., N.D., Ohio, Ore., Pa., R.I., S.D., Utah, Vt., Wash., Wis., Wy.

B. South and Borber (17 states plus D.C.): See separate lists C and D.

C. South only (11 states): Ala., Ark., Fla., Ga., La., Miss., N.C., S.C., Tenn., Tex., Va.

D. Border only (6 states plus D.C.): Del., D.C., Ky., Md., Mo., Okla., W. Va.

The first summary page is always a "universe projection"—an estimate representing the complete Nation or area (see Note 2, below), based upon the actual districts surveyed, these districts usually being a smaller number than the whole. The second summary page is always a summary of the actual survey data. Each summary page is divided into seven categories of school district, according to compliance category: (1) Plan, (2) Court Order, (3) Litigation, (4) 441, (5) Plan+441, (6) Court Order+Litigation, and (7) All Categories (Total Districts).

For each category, three lines of data are presented:

A. Total Number: All districts, schools and pupils (universe or actual) in that category.

B. Topic Total: The total number of districts, schools and pupils (universe or actual) in districts reporting more than 0 students expelled.

C. Proportion of A (line B divided by line A): The proportion of the whole represented by the topic total. Each proportion can be read as a percent by moving the decimal point two spaces to the right.

NOTES.—(1) Ignore the page numbers. (2) "Universe projections" represent only the total universe of public school systems with 300 or more students, but these systems contain approximately 99% of all public elementary and secondary school students.

Part 4: HEW regional and State listing of districts which did not fit the criteria for Group 1, as outlined on the cover page for Part 1.

This is the complement listing for Group 1—the counterpart districts to those presented in Part 1, Group 1.

Districts are listed by state within this HEW region. For each listed district, relevant data is provided in the same manner as done for Part 1.

NOTES.—(1) Ignore the page numbers. (2) DI, CDI, and FDI are defined in Note 2 on cover page of Enforcement Analysis, Table I. (3) NOM—National Origin Minority—Students are the total grouping of non-Black minority students: American Indian, Asian (Oriental), and Spanish-surnamed students. (4) For this table, "R" is the ratio of the percent of total minority students reported expelled, divided by the percent of total nonminority ("other") students reported expelled. Examples: An R of 2 means that minority expulsion is double the rate of nonminority expulsion; an R of 3 means that minority expulsion is triple, and so forth. (Example: In X school district, 12% of all minority students were reported expelled, but only 3% nonminority students. Therefore: R equals 4) Exception: An R of 1000 means that calculation of R was not possible because reported nonminority expulsion was 0. Caution: Hand-calculation of R may result in slightly different results due to computer rounding and truncation of extremely large numbers.

Part 4: HEW regional and State summary of districts which did not fit the criteria for Group 2, as outlined on the cover page for Part 1.

This is the complement for Group 2—the counterpart districts to those presented in Part 1, Group 2.

Part 4 provides two summary pages for the Region and for every state in the Region. The first summary page is always a "universe projection"—an estimate representing the complete Region or state (see Note 2, p. 506), based upon the actual districts surveyed, these districts usually being a smaller number than the complete universe of school districts in a state or Region. The second summary page is always a summary of the actual survey data.

Each summary page is divided into seven categories of school district, according to compliance category: (1) Plan, (2) Court Order, (3) Litigation, (4) 441, (5) Plan+441, (6) Court Order+Litigation, and (7) All Categories (Total Districts).

For each category, three lines of data are presented:

A. Total Number: All districts, schools and pupils (universe or actual) in that category.

B. Topic Total: The total number of districts, schools and pupils (universe or actual) in districts characterized by the Complement.

C. Proportion of A (line B divided by line A): The proportion of the whole represented by the topic total. Each proportion can be read as a percent by moving the decimal point two spaces to the right.

NOTES.—(1) Ignore the page numbers. (2) "Universe projections" represent only the total universe of public school systems with 300 or more students, but these systems contain approximately 90% of all public elementary and secondary school students.

FACT SHEET NO. 5A.—DISTRICTS SHOWING DISPORPORTIONATE EXPULSION OF MINORITY STUDENTS: A

[Information taken from Enforcement Analysis, OCR fall 1972 survey, table V, pt 1, group 2. Criteria for inclusion in this fact sheet includes all districts listed under group 2 ("R at least 2 and ME at least 50"; this means district where the percent of total minority students reported expelled is double, or greater than double, the percent of total nonminority students reported expelled (R) and where at least 50 minority students were reported expelled (ME)]

Category	Number of districts	Total students	Total minority students	Minority expelled	Total expelled
REGION III					
A. HEW plan	0	0	0	0	0
B. 441	0	0	0	0	0
C. Court order	2	73, 165	38, 692	189	234
D. Litigation	0	0	0	0	0
E. Total	2	73, 165	38, 692	189	234
REGION IV					
A. HEW plan	0	0	0	0	0
B. 441	0	0	0	0	0
C. Court order	2	146, 076	56, 504	161	192
D. Litigation	0	0	0	0	0
E. Total	2	146, 076	56, 504	161	192
REGION V					
A. HEW plan	0	0	0	0	0
B. 441	4	153, 481	43, 325	320	503
C. Court order	0	0	0	0	0
D. Litigation	1	98, 076	38, 997	51	60
E. Total	5	251, 557	82, 322	371	563
REGION VI					
A. HEW plan	1	12, 190	7, 803	57	65
B. 441	1	60, 275	18, 051	70	114
C. Court order	6	264, 710	84, 173	876	1, 671
D. Litigation	0	0	0	0	0
E. Total	8	337, 175	110, 027	1, 003	1, 850
REGION VII					
A. HEW plan	1	57, 254	11, 312	96	111
B. 441	0	0	0	0	0
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	57, 254	11, 312	96	111

FACT SHEET NO. 5B.—DISTRICTS SHOWING DISPROPORTIONATE EXPULSION OF MINORITY STUDENTS: B

[Information taken from Enforcement Analysis, OCR fall 1972 survey, table V, pt. 1, group 3. Criteria for inclusion in this fact sheet includes all districts listed under group 3, plus 2 in region 9 (Los Angeles and San Diego, Calif.) which were erroneously listed in the computer print out (on p. 122) under a separate listing for group 1, but should have been listed under group 3 ("R at least 4, ME less than 50, but at least 25"); this means districts where the percent of total minority students reported expelled is 4 or more times the percent of total nonminority students reported expelled (R) and where between 25 and 49 minority students were reported expelled (ME)]

Category	Number of districts	Total students	Total minority students	Minority expelled	Total expelled
REGION IV					
A. HEW plan	2	11, 325	6, 187	64	70
B. 441	0	0	0	0	0
C. Court order	4	276, 596	133, 981	141	173
D. Litigation	0	0	0	0	0
E. Total	6	287, 921	140, 168	205	243
REGION V					
A. HEW plan	0	0	0	0	0
B. 441	4	74, 264	14, 307	127	210
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	4	74, 264	14, 307	127	210
REGION VI					
A. HEW plan	0	0	0	0	0
B. 441	1	21, 006	5, 336	25	31
C. Court order	5	111, 263	38, 461	154	228
D. Litigation	1	16, 785	3, 806	29	36
E. Total	7	149, 054	46, 703	208	295
REGION IX					
A. HEW plan	0	0	0	0	0
B. 441	0	0	0	0	0
C. Court order	1	620, 659	327, 356	39	45
D. Litigation	1	124, 487	32, 762	26	28
E. Total	2	745, 146	360, 118	65	73

FACT SHEET NO. 50.--DISTRICTS SHOWING DISPROPORTIONATE EXPULSION OF MINORITY STUDENTS: C

[Information taken from enforcement analysis, OCR fall 1972 survey, table V, pt. 1, group 4. Criteria for inclusion in this fact sheet includes all districts listed under group 4 (except 7 districts, nationally, which met the condition described in footnote 1), plus 1 district apiece (see footnote 2), in regions 3, 7, 8, and 9, which should have been listed under group 4 but was erroneously listed under the wrong group heading in the computer printout (group 4 criteria: "R at least 10, ME less than 25 but at least 10"; this means districts where the percent of total minority students reported expelled is 10 or more times the percent of total nonminority students reported expelled (R) and where between 10 and 24 minority students were reported expelled (ME).]

Category	Number of districts	Total students	Total minority students	Minority expelled	Total expelled
REGION III					
A. HEW plan	0	0	0	0	0
B. 441	1	3, 207	28	18	18
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	3, 207	28	18	18
REGION IV					
A. HEW plan	2	15, 186	1, 712	20	29
B. 441	0	0	0	0	0
C. Court order	8	276, 759	87, 791	142	158
D. Litigation	0	0	0	0	0
E. Total	10	291, 945	89, 503	162	187
REGION V					
A. HEW plan	0	0	0	0	0
B. 441	5	44, 933	9, 215	67	82
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	5	44, 933	9, 215	67	82
REGION VI					
A. Hew plan	1	2, 374	717	12	3= 1
B. 441	0	0	0	0	4
C. Court order	4	100, 922	38, 902	76	80
D. Litigation	0	0	0	0	0
E. Total	5	103, 296	39, 619	88	97
REGION VII					
A. HEW plan	0	0	0	0	0
B. 441	1	4, 861	709	14	22
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	4, 861	709	14	22
REGION VIII					
A. HEW plan	0	0	0	0	0
B. 441	1	91, 616	38, 196	19	21
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	91, 616	38, 196	19	21
REGION IX					
A. HEW plan	0	0	0	0	0
B. 441	0	0	0	0	0
C. Court order	1	12, 533	7, 345	18	18
D. Litigation	0	0	0	0	0
E. Total	1	12, 533	7, 345	18	18

Note (1): The computer did not calculate R for any districts where no nonminoirty students were reported expelled Instead, the printout shows R as 10000.00. (To calculate R, you need a minority percent expelled (ME%) and a nonminority percent expelled (NME%): R = ME%/NME%.) Since the computer-assigned R of 10000.00 is not sufficient indication of disproportionate minority expulsion, a minimum possible R was calculated based on the hypothetical situation which would have existed if the district had reported "1" nonminority student expelled, instead of "0" nonminority students expelled For 7 districts, nationally, the minimum R thus calculated was less than 10. Therefore, the following 7 districts were excluded from this fact sheet: region 3—Nansemond, Va.; region 4—Holly Springs, Miss., Tunica County, Miss., Kinston, N.C.; region 5—Benton Harbor, Mich., Inkster, Mich.; region 8—Eagle Butte, S. Dak.

Note (2): Region 3—Babcock, Pa., region 7—Sikeston, Mo.; region 8—Denver, Colo.; region 9—Inglewood, Calif.

FACT SHEET NO. 5D—DISTRICTS SHOWING DISPROPORTIONATE EXPULSION OF MINORITY STUDENTS: D

[Information taken from Enforcement Analysis, OCR fall 1972 survey, table V, pt. 1, group 1. Criteria for inclusion in this fact sheet: Group 1 districts, not contained in any other group, where 10 or more minority students were expelled (excluding 3 absurd—number 100 percent—expulsion districts and 3 districts where minorities were expelled at a lesser rate than nonminorities; group 1 criteria: "Minority expelled greater than or equal 50, or, at least 1 percent minority expelled")]

Category	Number of districts	Total students	Total minority students	Minority expelled	Total expelled
REGION II					
A. HEW plan	0		0	0	0
B. 441	2	19,054	4,627	140	420
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	2	19,054	4,627	140	420
REGION III					
A. HEW plan	0	0	0	0	0
B. 441	2	204,548	129,992	153	345
C. Court order	2	14,695	3,734	115	344
D. Litigation	0	0	0	0	0
E. Total	4	219,243	133,726	268	689
REGION IV					
A. HEW plan	5	76,370	31,375	199	613
B. 441	2	7,701	1,907	29	42
C. Court order	2	3,829	2,310	44	58
D. Litigation	0	0	0	0	0
E. Total	9	87,900	35,492	272	713
REGION V					
A. HEW plan	0	0	0	0	0
B. 441	3	24,061	4,675	74	175
C. Court order	1	12,443	1,292	17	80
D. Litigation	0	0	0	0	0
E. Total	4	36,504	5,967	91	255
REGION VI					
A. HEW plan	4	23,104	3,182	81	187
B. 441	2	17,329	4,369	72	218
C. Court order	6	224,747	108,071	6,661	10,685
D. Litigation	1	417	278	10	14
E. Total	13	265,597	115,900	6,824	11,104
REGION VII					
A. HEW plan	0	0	0	0	0
B. 441	1	3,925	312	10	31
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	3,925	312	10	31
REGION VIII					
A. HEW plan	0	0	0	0	0
B. 441	3	22,837	4,019	122	458
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	3	22,837	4,019	122	458
REGION IX					
A. HEW plan	0	0	0	0	0
B. 441	3	6,456	2,281	73	154
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	3	6,456	2,281	73	154
REGION X					
A. HEW plan	0	0	0	0	0
B. 441	1	8,557	1,420	19	67
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	8,557	1,420	19	67

FACT SHEET NO. 5E.—DISTRICTS SHOWING DISPROPORTIONATE EXPULSION OF MINORITY STUDENTS: TOTALS

[Information taken from Enforcement Analysis, OCR fall 1972 survey, table V, pt. 1. Criteria for inclusion in this fact sheet: Sum of fact sheets 5A, 5B, 5C, and 5D]

Category	Number of districts	Total students	Total minority students	Minority expelled	Total expelled
REGION I					
A. HEW plan	0	0	0	0	0
B. 441	0	0	0	0	0
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	0	0	0	0	0
REGION II					
A. HEW plan	0	0	0	0	0
B. 441	2	19, 054	4, 627	140	420
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	2	19, 054	4, 627	140	420
REGION III					
A. HEW plan	0	0	0	0	0
B. 441	3	207, 655	130, 020	171	363
C. Court order	4	87, 860	42. 426	304	578
D. Litigation	0	0	0	0	0
E. Total	7	295, 615	172, 446	475	941
REGION IV					
A. HEW plan	9	102, 881	39, 274	283	712
B. 441	2	7, 701	1, 807	29	42
C. Court order	16	703, 260	280, 586	488	581
D. Litigation	0	0	0	0	0
E. Total	27	813, 842	321, 667	800	1, 335
REGION V					
A. HEW plan	0	0	0	0	0
B. 441	16	296, 739	71, 522	588	970
C. Court order	1	12, 443	1, 292	17	80
D. Litigation	1	98, 076	38, 997	51	60
E. Total	18	407, 258	111, 811	656	1, 110
REGION VI					
A. HEW plan	6	37, 668	11, 702	150	266
B. 441	4	98, 610	27, 756	167	363
C. Court order	21	701, 642	269, 607	7, 767	12, 667
D. Litigation	2	17, 202	4, 084	39	50
E. Total	33	855, 122	313, 149	8, 123	13, 346
REGION VII					
A. HEW plan	1	57, 254	11, 312	96	111
B. 441	2	8, 786	1, 021	24	53
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	3	66, 040	12, 333	120	164
REGION VIII					
A. HEW plan	0	0	0	0	0
B. 441	4	114, 453	42, 215	141	479
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	4	114, 453	42, 215	141	479
REGION IX					
A. HEW plan	0	0	0	0	0
B. 441	3	6, 456	2, 281	73	154
C. Court order	2	633, 192	334, 701	57	63
D. Litigation	1	124, 487	32, 762	26	28
E. Total	6	764, 135	369, 744	156	245
REGION X					
A. HEW plan	0	0	0	0	0
B.441	1	8, 557	1, 420	19	67
C. Court order	0	0	0	0	0
D. Litigation	0	0	0	0	0
E. Total	1	8, 557	1, 420	19	67

Mrs. CHISHOLM. Our next witness is Mr. Hayes Mizell, director of South Carolina Community Relations program of the American Friends Service Committee, and Member, Columbia, S. C., School Board.

STATEMENT OF M. HAYES MIZELL, DIRECTOR, SOUTH CAROLINA COMMUNITY RELATIONS PROGRAM OF THE AMERICAN FRIENDS SERVICE COMMITTEE, AND MEMBER, COLUMBIA, S.C., SCHOOL BAND

Mr. MIZELL. I am here representing the South Carolina Community Relations program. Obviously much of what I have to say will draw upon my experience as a school board member, but I am not here representing my school district. I can't speak for my school district or my school board.

I think the subject we are discussing today is a significant one and in my judgment there is no question but that there is a direct relationship between the whole problem of suuspensions and expulsions and the whole problem of juvenile delinquency.

During the 1972–73 school year in South Carolina a total of 39,491 students were suspended or expelled at least once. During the current school year in my district a total of 5,477 students have received short-term suspensions for a total loss of 14,622 school days. This is just up to April 25, 1974. We know that such an extensive use of short-term suspensions, wherever they are used, results not only in escalating the academic problems of those students who are already behind in their work, but also causes a greater disillusionment with the school system and encourages students to drop out.

In addition to these short-term suspensions, Richland No. 1 has expelled 32 students, 52 have received maximum long-term suspensions (for the remainder of the school year), and 22 have received long-term suspensions but have returned to school after being out for a period beyond 10 days.

Basically what I want to say is twofold: the problem is more complex than just one of discrimination being a cause of expulsions and suspensions, and I think if we are going to be very honest in dealing with this problem, we have to realize that complexity. Second, if we are going to deal with this problem, the school districts have the responsibility to work with those students and keep them in school.

We need to be, yes, pushing them to see they are living up to that responsibility and providing them with both resources and alternative models as to how to do that.

I think in some respects we can draw a parallel between this experience we are going to have in suspensions and expulsions and in desegregation. There were some people we had to take to court to get schools desegregated, there are many people who went the total route. Many of these enforcing desegregation many times had to show them how to do it.

Our lawyers, in many instances, were drawing zone lines. If we say to school districts, "Okay, you have the problem; you have to deal with it," we can't be sure they will know what to do with it. For that reason, we have to focus on some alternatives.

First let me allude to the problem first of discrimination and there is a problem of unreasonableness. Everything that has been said here in a sense can be summed up by a sentence in a handbook distributed in South Carolina, which reads:

> It is a privilege to attend school. Students who will not act, speak, dress, and react in a manner acceptable to the school admiistration will not be permitted to continue in school.

To me that pretty well sums up the aspect of the school as an authoritarian.

I have developed a continuum of undesirable behavior. What I have done is to try to indicate at various points of that continuum, acts by students which could result in suspension or expulsion. The first would be (1) acts by a student which are well within the bounds of generally recognized and accepted expressions of civil liberties and human and civil rights but which may be offensive to a teacher or an administrator. The school's disciplinary action may be based on racial or sex prejudice but it may not be challenged because of fear, lack of information, or lack of legal resouruces. In such cases the power of the authorities and the powerlessness of the students and parents means that such disciplinary actions can and will continue.

Then we can move to acts which violate an unlawful school rule or policy. This depends on the State law, the judicial circuit you are in, the dress code or having to drop out of school because you are married or pregnant.

Then we move to acts which violate a school rule which are not unlawful, but may be determined unreasonable, such as holding hands, wearing a hat, running to lunch. These are things which an administrator felt, "Well, we really ought not to have this."

Then we have acts which may not infringe upon the acts of other students such as being tardy, cutting a class, the use of expletives, it might be illegal parking, et cetera. This may disrupt the school or cause a problem, but in and of itself it does not.

Mrs. CHISHOLM. The chairman just entered. He wants to make a few remarks.

Chairman PERKINS. First, I want to congratulate the gentlelady from New York for conducting these hearings which are essential to the welfare of the people in this country. I know of no individual more interested in protecting the rights of all the people than Mrs. Chisholm. That holds true to all the members here today—Mr. Bell, Mr. Lehman, and Mr. Benitez. I personally am involved in a meeting at this time in connection with the handicap program. But I felt this meeting was so important that I should come by and let Mrs. Chisholm know of my interest and know I am 100 percent behind her in anything she recommends.

I just want to compliment all of you for conducting those hearings. I hope you can come up with some solutions that will solve this problem. Thank you.

Mrs. CHISHOLM. Thank you for dropping by.

Mr. Mizell, you may continue.

Mr. Mizell. Aside from those acts which may or may not cause some problem, there are those which depend on the discretion of the administrator or the teacher. This includes things like repeated small violations, whatever those are, disrespect, a phrase like any misconduct. These things are highly judgmental.

Then we move into the area where the student does commit an act which does disrupt the school or interferes with someone's rights.

That may include fighting, acting out, disturbing another classroom.

Then moving on to acts which may be unlawful as to State law such as possession of a weapon, blackmail, assault, severe verbal abuse, et cetera.

In other words, we move through those clearly discriminatory to those which appear to me to be clearly criminal. I know as a school board member, I find myself having to sort out what acts fall where on the continuum.

Mr. Holmes indicated there is the question of what is clearly justifiable on the part of the school administration and what is clearly arbitrary and perhaps prejudicial and that sort of thing. As I have indicated, these tend to result in a great number of suspensions and expulsions from when the school is clearly in the wrong to where the school may be in the right.

One of the methods used is the use of short-term suspensions by officials, under 5 days. The short-term suspension is now widely used. I don't think you can argue that it is a useful tool. You ought to be thinking of abandoning the tool and dealing with the problem in some other manner.

The problem with the short-term suspension is that it is given to get the attention of the parent. You send the child home and the parent is then responsible for his whereabouts.

Mr. Lehman. Do you suspend for truancy?

Mr. Mizell. For cutting class, although it may be the same.

Mr. Lehman. You reward him for cutting class?

Mr. Mizell. Yes. I mention that in here as a matter of fact, but the short-term technique makes an assumption that we know is not correct, that is that there is always going to be a parent at home who will be able to come to school to talk to the administrator.

Mr. Bell. May I interrupt here? You did not mention the use of drugs.

Mr. Mizell. That is in my last criminal area.

Mr. Bell. Smoking marijuana?

Mr. Mizell. I don't want to get into a discussion on that but that is in my last category.

My point is, if we keep using these disciplinary techniques which are not doing any good, why should we continue to use them? There is a dynamic that takes place in the school room which Mrs. Chisholm and others are aware of. You have this teacher who has a problem with a student. So what does she do with that student? She sends him to the administrative office. In South Carolina, and all over, there are people designated as the assistant principal. Practically their whole job is to handle disciplinary problems. They become a sort of self-fulfilled prophecy. The teacher realizes there is somebody down the hall to handle discipline so she sends the student down there.

Mr. **Lehman**. Do you do paddling?

Mr. **Mizell**. Yes.

Mr. **Lehman**. All the way up to the 12th grade?

Mr. **Mizell**. No. In the State law there is a provision for corporal punishment, but in our school district, after reviewing all disciplinary provisions in the State, ours is the best. There is no mention of corporal punishment.

Mr. **Lehman**. Do you paddle in your school district?

Mr. **Mizell**. Yes.

Mr. **Lehman**. Up through how many grades?

Mr. **Mizell**. Through 7 and 8 grades it starts dropping off and as one high school principal told me, "I would be a fool to put my hands on one of these kids." As a matter of pragmatism, they are not going to attempt corporal punishment because they know what will happen.

Mr. **Lehman**. Do you paddle girls?

Mr. **Mizell**. I am sure somebody does.

Mr. **Lehman**. I just wonder, because I have been a school board member in Miami and I know the problems.

Mr. **Mizell**. When we redid our code, I wanted to have it spelled out in binding terms but we did not make it.

Mr. **Lehman**. Do you give kids a choice of getting paddled or suspended?

Mr. **Mizell**. I am not sure about that.

Mr. **Lehman**. There are many questions you can dig up on this.

Mr. **Mizell**. Yes, once you start probing. When you get to school boards and superintendents, the attitude is what are we supposed to do? How do we deal with this problem? We can't be expected to solve all of society's problems. By and large very little creative attention has been given to the search for alternatives and that is what I would hope this bill would prompt.

In my written statement I have tried to suggest some things which might be done. Some I am sure are being done; some are my own ideas. We have identified part of the problem as being the teachers—some who have hangups and some who have problems with dealing with difficult kids. It seems there might be some who would benefit by having a teacher ombudsman who might conduct a number of classes a day, then have the rest of her day free to consult with teachers having problems. She could discuss ways of handling the problem without suspending the child and also develop a training program for the system.

We have found oftentimes new teachers are the ones who might have difficult problems presented to them. They react wrong or don't know how to spot danger signals, so they get themselves in trouble. One thing we can do is have a sort of referral center in the school. When it is determined the child must be removed, there could be a room which could be designated as a cricis resource center and I would put in that center a teacher, a psychologist and that is going to cost you some money.

If you had a place for a kid to go where he had to keep up with his work instead of being suspended 3, 4 or 5 days, that might help. We don't have anything like that in my district. We have detention halls, which is different. I think the whole question of alternative schools within the school system needs to be explored.

There are an increasing number of school systems which have facilities where students on suspension are being sent. I have some questions and fears about those schools, but it is a system which needs to be monitored and evaluated. I am sure you are aware there is a possibility that such schools can become institutional warehouses for minority students.

The quality of instruction is not comparable to the other schools and so forth. But I think that is going to be tried more and more and we need to provide the resources and regulations which might make those successful.

Then I think we need a program which I call the community of laws. I think you could do that now with the LEAA funds. There are obviously people in the school systems now who don't understand what their rights and obligations to the students are and there are students who don't understand what their obligations are.

I think I would really like to see an effort made to establish a lawful community within the school. I think this involves a tremendous educational effort but besides just having legal education in the classroom, I think it needs to be translated into the dynamics of how that school operates in terms of its student government and disciplinary competence and this sort of thing.

I have no illusions that is not difficult to do, but I think it is possible if people want to do it. I also think it is valuable because if we can't establish some understanding of law and legal processes and then I have some concern as to how students will apply that when they go into the community.

As to coordination, I say there ought to be a kind of council of agencies so there is a regular meeting of the family groups, and groups such as the welfare department, NAACP, and so forth, so they can get a comprehensive handle on the problems of a particular child.

Then another thing we don't make enough of an effort to identify teachers or administrators who can work with kids who have problems. What I would like to see is a program in which we try to recruit, identify, and encourage such people to receive additional professional development so they can become teachers. I don't care if they are community workers or aides or what, but identify the people who have some moxie with children who have problems.

I think there are other things we can do like having student ombudsmen helping students who have a particular problem in school and help them with it before it leads to some act of disruption and that sort of thing.

A couple of other comments—one is maybe you can put some kind of bill of rights into that act but at least no money under this act should go to a school system which does not have a student code of responsible law, under Federal and State case law, applicable to that particular area. I hope we also are not going to make some of the mistakes we made with ESA, that is we supplant some laws, the title I money with ESA, and make like it is all the same thing. A hard look needs to be taken at what comes in as a curriculum innovation. I know school systems well enough so they can rationalize what that is and they end up supplanting one program with another.

Finally I would say particularly in reference to some of the things Mrs. Chisholm asked—there really is no pressure and I am sure through a process of education developing case law in the whole area of student rights, that pressume may accelerate, but there needs to be some pressure. There are school officials out there who don't like to kick kids out of school. I serve on a school board made up of very conservative gentlemen. When we have to deal with a student who has assaulted a teacher, those men don't like the prospect of putting that kid out on the street, yet there are no alternatives.

Mrs. CHISHOLM. I was wondering if Mr. Mizell would be able to stay until five until twelve. We have two witnesses and I would like to hear from these two witnesses.

Now we will hear from Miss Diana Jones, staff member, NAACP Legal Defense Fund, and Robert F. Kennedy Memorial fellow, Chapel Hill, N.C.

STATEMENT OF DIANA JONES, STAFF MEMBER, NAACP LEGAL DEFENSE FUND AND ROBERT F. KENNEDY MEMORIAL FELLOW, CHAPEL HILL, N.C.

Ms. JONES. Congressman Hawkins, distinguished members of the Subcommittee on Equal Opportunities, ladies and gentlemen. Let me preface my remarks today by expressing gratitude to you for allowing me to appear before this important committee. Those of us working in the area of students' rights appreciate your continued concern and support.

My name is Diana Jones. I appear before you today as a Robert F. Kennedy Memorial fellow, assigned to the NAACP Legal Defense and Educational Fund, Inc., to work on a students' rights project in North Carolina.

During the past 16 months I have traveled to over 20 districts in North Carolina where I have looked into the pushout problem. I have also considered the juvenile couurt system. During this period I worked with lawyers, students, parents, and community organizations.

As I understand it, the purpose of these hearings is to focus on the pushout dilemna, the problems of those who are the victims of racial discrimination or arbitrary actions of school authorities.

Initially, I would like to offer a definition of the student pushout. The pushout is "the student who through discriminatory treatment is excluded from school, or else is so alienated by the hostility of the school environment that he or she leaves on his or her own accord." Although we usually refer to suspensions and expulsions when we speak of pushouts, we should include ability groupings, exclusions from extracurricular activities, tracking, dress codes, and school fees in the realm of discriminatory tactics.

I have identified a number of in-school problems which have led to, or have the potential for creating, pushouts. The disproportionate assignments of black pupils to special education classes is widespread. Sometimes black students are put into these classes without any testing or evaluation whatever. It is not unusual to find special ed classes which are all black. This issue is in court in a case in North Carolina against the Duplin County Board of Education whose superintendent stated in his deposition that the racial aspect of the special education program has a direct connection with the previously segregated school system. Complaints about segregated special ed classes have been filed with HEW.

And I might mention there has been inaction with regard to replies to my complaints. I have not received any replies to my requests whatever.

Segregated extracurricular activities, corporal punishment, harassment of black youths by teachers and principals and the dismissal of black teachers are other problems. Sometimes these concerns have been expressed in protests or demonstrations by black students which have led to dismissals and/or arrests. In one instance several young boys from Edenton were arrested and sent to one of the State prison camps prior to any adjudicatory hearings or indictments.

Many county jails in eastern North Carolina do not have facilities for juveniles, male or female. In practice, contrary to law, juveniles are commonly detained beyond the 5-day limit prior to a hearing. One case in point involved several black students who were arrested and detained for over 5 days in Raleigh following a fight which broke out between some black and white students at a junior high school there. These same students were notified on the day of their court hearing that they were expelled from school for the remainder of the school year.

Oftentimes black students with legitimate complaints, who sought to express them in peaceful ways be requested meetings with school officials were denied any expression of their grievances, and indeed were punished for assuming the initiative in open forums. There is a case in court now in Sampson County were black students gathered in the gym for a meeting with the principal and other school officials. They were not allowed to express their grievances and every student present at that meeting was suspended.

Over 300 students in the Pitt County school system, 90 percent of this number black, were suspended indefinitely for failure to pay school fees. No attempts were made to discover whether parents were indigent or whether valid reasons were present for the nonpayment of the required fees.

The inherent inequities and injustices of this same school system are seen again in the rigidly enforced policy of expulsion for pregnant students and any male that admits any responsibilty therefor. We noted that 54 of the 63 females who were out due to pregnancy in the first half of the 1973–73 school year were black.

I found the comparative ratios between black and white expulsions and suspensions in Person County to be striking. The black students are not allowed the minimal requirements of due process. Several black students were told by their principal at the beginning of the 1973–74 school year that they were "on his list." These same students have subsequently been expelled.

Another student who was a junior attending a Person County school last year was expelled after violating a vague probation statement which his mother had signed earlier that year. He returned to school at the beginnning of the 1973–73 school term and after 8 days of school, was suspended for allegedly saying "shit" to an instructor. His mother returned to school with him and was requested to sign another probation agreement regarding her son. She refused, based on her experience of the previous year. Because of such refusal, the son was expelled. An LDF attorney requested a hearing for the boy which was denied. Subsequently, the youth joined the armed services along with another black male who was pushed out around the same time.

A black male student in the first grade in Hickory, N.C., was expelled from the entire school system permanently without any form of due process The superintendent of the school system stated, "It is the opinion of the administration that he's so severely afflicted by mental and emotional problems that he cannot substantially profit from the instruction in the school system." Some members of the black community became intensely concerned and secured an LDF attorney who requested a hearing. After several hearings, the child was readmitted.

In Wilson, N.C., a frail 12-year-old boy was pummelled by the school principal, and finally kicked out, onto the concrete sidewalk. The principal's alleged reason for the expulsion was that upon hitting the sidewalk, the boy called the principal a "bald headed son-of-a-bitch." This child was later tested and it was discovered that he is exceptionally bright contrary to the school officials' belief that he was a slow learner. His mother was told that arrangements were supposedly being made for the boy's enrollment in a special school for the gifted. However, at present, this youth is walking the streets. The lack of due process, supposedly a guaranteed right of every American citizen, youth or adult, is noticeably lacking in all of the previously mentioned incidents.

A demerit system is noted in some of the schools—a system administered discriminately against blacks. An accumulation of demerits results in suspension. Included within the category of acts accumulating demerits are tardies. In some schools, I have found an accumulation of tardies often result in suspension.

I have found that usually there are no formal codes of conduct, and in schools where they are existent, the school officials do not follow them in determining violations. Although I found that some of the things that happen to blacks happen to whites, there are many other things that never happen to whites. Blacks clearly are victimized disproportionately.

Many schools discriminate against black students in their extracurricular activities. Cases abound where cheerleaders were selected in a manner which assures a white majority. Other instances involve the suspension of blacks on a majority black varsity basketball team because of their boycott made in expression of their concern on racial issues. Other activities have been found to be all white. A case in point exists in the Hickory High School swim team. Since the team practices at the all-white Hickory Foundation Center, which is private and open by membership card only, blacks are effectively excluded.

I will be glad to provide further information on any of the matters mentioned in this presentation.

I respectfully make the following recommendations for consideration by this committee:

1. That legislation be adopted requiring school districts to enact districtwide codes of conduct that meet Supreme Court and other Federal court standards which would include what specific acts constitute a violation of the code, what penalties may be imposed for each violation, and specific statements of procedural rights for students.
2. That additional and better reporting forms be sent to the Office of Civil Rights concerning in-school matters.
3. That any school practice that has an apparent racially adverse impact must be justified by the school district.
4. That students should not be required to pay school fees and that no practice be allowed which will result in the exclusion of students from programs and activities within school, or school itself.
5. That all districts in all States must be required to provide an appropriate education for all children.

Members of this committee, I appreciate your kind attention and concern.

Mrs. CHISHOLM. Thank you very much, Miss Jones. It is people like you that we certainly need to move out into leadership. You are to be congratulated. I am sure members of the committee have questions of you but we will first hear our last witness this morning, Mr. Samuel Etheridge.

Welcome, Mr. Etheridge.

STATEMENT OF SAMUEL ETHERIDGE, DIRECTOR, TEACHER RIGHTS, NATIONAL EDUCATION ASSOCIATION, WASHINGTON, D.C.; ACCOMPANIED BY GEORGE W. JONES, DR. BOYD BOSMA, AND DONALD SHIRE

Mr. ETHERIDGE. Mr. Chairman, members of the committee, I am Sam Etheridge, director of Civil and Human Rights Programs, for the National Education Association. With me are Dr. George W. Jones, manager of Human Relations Programs, Dr. Boyd Bosma, coordinator of Civil Liberties, and Donald Shire, staff associated in the Teacher Rights Office. These persons have special knowledge of the "Pushout Problem" and other matters of interest to the committee.

The NEA as you know is a professional, independent, noprofit organization made up of 1.4 million members who are primarily classroom teachers in public schools and institutions of higher learning in all the States, territories, and Department of Defense overseas schools.

We wish to thank the committee and staff for calling these hearings and for allowing us to present testimony.

Since the major duty of the Teacher Rights Office is to defend and protect the rights of our members (the teachers), some people may be surprised that we are here today in the interest of the civil and human rights of students. But this problem is in the interest of teachers. Most teachers are quite upset about what is happening to students throughout the nation, but especially in some recently desegregated schools. As a matter of fact this matter was first brought to our attention by one of the most devoted teacher advocates in America, Joe Reed, associate secretary of Alabama Education Association.

In a phone call to me in December, 1971, Mr. Reed pointed out that while we are doing a good job of protecting teachers in his State, no one was helping the "push outs." He described the typical "push out" as follows:

> Above the maximum compulsory age, male, black, a national leader, unsubmissive, somewhat aggressive.

The public schools in Alabama had no place for these students 16 years old, even if it was a week before graduation. This differs from students who are law breakers or have other problems. I would ask the committee to separate this push-out from the normal drop-out which we have.

At the suggestion of people like Leon Hall, who has already testified, in January 1972, we called representatives in the south, Urban League, SCLC, American Friends, and many other groups who met with us as well as Commissioner Goldberg and some of his assistants. So, HEW has been aware of this problem for quite a long length of time.

The major result of this meeting was that we tried to get someone who would coordinate bits of information. My associate, Don Shire, was assigned to that. All we did was take newspaper clippings and reports from people and put together the information which came to us over this period of time.

I have brought an exhibit and I would just ask you to examine this. It points out these suspensions have nothing to do with marijuana and being late to class. Most of it is related to the rights of students to protest. It is all here and is part of the record. So we would like to keep that clear in terms of what we are talking about.

Following that meeting there were a number of activities which took place. I refere you to a memo, an exhibit marked A–2. It gives you an idea as to how we have tried to bring this to the attention of people we thought ought to be solving the problem. Shortly after that we had enough material to amount to what would be a national publicity campaign. Two of the first people to respond to this were Nicholas Van Hoffman in his national syndicated column, Jet Magazine, the UPI, and AP and all others.

I brought along as exhibit B a copy of the news stories which were released at that time. For all practical purposes I think this is just sort of a horror story of the kinds of things which have taken place.

Shortly after this publicity we began to get calls from California and other places and from alienated white students who say, "This is not just a southern phenomena; this happened to us, too."

We sought Federal assistance and I think the people who testified here earlier indicated that in response to requests from the various organizations they did begin to develop forums to see what was going on.

One other thing I would like to bring your attention to: In February 1973, a group of black education leaders met with HEW Assistant Secretary, Sidney Marland, Acting Education Commissioner Ottina and other high office of Education officials to discuss developing alternative educational opportunities for young people who have been permanently expelled from schools and to talk about possible action by the Office of Education to prevent arbitrary and capricious expulsions.

The group left the meeting hopeful that some pilot programs would be established. Despite the fact that some viable proposals have been made, the Office of Education has not seen fit to establish programs to protect stuudents' rights either through its own staff or through contracts with other groups. Even programs proposed and advocated by HEW's own staff including some at the assistant secretary level, have not been approved. Dr. Marland's departure from HEW may have contributed to this failure on the part of HEW to actively and adequately respond to this matter.

As exhibit C, we have here a number of letters written by Federal officials which indicate they had an interest and there was a commitment made at that time.

This was such a big issue that in February 1973, under the guidance of Dr. Jones here, there was a national conference on student expulsions. One of the key speakers was Mr. Julian Bond, Representative from Georgia, and the Chicano activist, John Aragon from, I believe, Los Angeles and other people and people other than push-outs.

These were students who were in jails and detention homes and students which were referred to physically present in class but excluded from the educational process.

The conference endorsed many of the principles and ideas discussed at the Congressional Black Caucus' Education Conference, including the following: Expansion of child development services; Developmental rather than custodial programs; Child development services provided as a right; Encouragement of educational reform and innovation, and some consumer control of public education.

The figures speak for themselves.

This document I call No. E. It is a 1971 survey of minority expulsions from the HEW statistics.

The next report is 1972-73 data. This report is far from complete but is based on 20 of the largest districts, 20 districts which have large black populations. I do think what it will reveal will be very important. In the 20 districts embodied by this survey, approximately 125,000 suspensions—approximately 90,000 of those are black students.

The larger cities are not included in this report. I do think this will double when the complete report is in. It is interesting to note there are two cities—Atlanta and Kansas City—which show a slightly lower number of minority students expelled than others. It does seem maybe somebody is doing something right.

I would like to call your attention to the fact, back to the South again, most of these districts did away with the compulsory attendance law. There is no compulsory attendance law there and just to look at the report of the Mississippi Department of Education 1972, it shows over 200,000 students of school age just disappeared. They are not attending either public or private schools according to their records.

Even though the data is incomplete, I think the samples of reports which have been given provide enough information to indicate that a serious crisis exists in many school systems of the nation both North and South. And while on the surface, the South seems more oppressive to minorities, I would urge the committee to reserve judgment on that until an indepth study has been done on the extent to which the north puts its "push outs" in juvenile homes, special schools for the disruptive and detention homes.

We have not come here today to ask for any new laws. We would be very appreciative for enforcement of laws on the books. The poor can't afford the lawyers it takes to go into court to defend their rights. The protection of rights can't be left to private organizations.

All we can do is scream real loud and come over hear and talk to you ladies and gentlemen in Congress.

I think there should be a Students' Rights and Protection Office in HEW whose duty it is to look out for rights of students and in each Department of Public Instruction as well as in the major school systems.

We are talking not just about minority rights. We are talking about children without regard to race. I know that many things have happened to white children as with our own children. I have met with them and am advised that we need to have these offices staffed with persons interested in justice and fair play. We ought to prove that school systems ought to be fair and should offer justice.

Special funds should be made available to colleges and junior colleges so they can set up programs aimed at giving the pushouts a second chance.

Finally, I would like to agree with Hayes Mizell as to some kind of student rights which would say just because a student happens to be 16 or 21, he is still a citizen and is entitled to rights.

Mrs. CHISHOLM. Thank you very, very much.

There are quite a number of things which are quite clear. We can no longer in this nation ignore the student push-out problem. This is a real problem and has a great deal to do with what the future of education is going to be like in terms of education, not only in the South but in the North.

I want to thank all of you for coming here this morning. Now at this point, we will give the members of the committee an opportunity to ask a few questions. We will call on Mr. Lehman first.

Mr. LEHMAN. Do you think any of the funds in this program should be applied toward school security personnel as a preventive technique?

Mr. MIZELL. No.

Mr. LEHMAN. Should we include a provision for the hiring of students similar to that for the kinds of people we hire as cafeteria personnel?

Mr. Mizell. You might do something like that, yes.

Mr. Lehman. Do you favor the right of a teacher to remove a disruptive child from a classroom where the teacher could send him out, but the principal could send him back? In other words, does the teacher have a right not to teach a certain child that he can't seem to control? Where do you stand on that.

Mr. Etheridge. As a former principal, I took the position that we paid the teacher to know more than the kid and if he came to my office, he had just given up. He would have to negotiate his way back to the class and excuse his problem unless it was a very serious problem.

If there is somewhere you can send a kid, they will send him.

Mr. Mizell. What I am saying is there needs to be an alternative created. If you put it in those cold, yes and no terms, what we are going to find are teacher organizations on the wrong side of this issue.

Mr. Lehman. I have never seen any real statistics but I will bet you that 95 percent of the kids expelled were expelled by maybe not more than 10 percent of the teachers. I know in our schools, ~~most of the~~ paddling was done in 8 to 10 percent of the schools. Most of the expulsions were coming from a certain number of schools. I think until you find where the pushout is coming from, you won't remove the pushout effort. Somewhere along the line you have to identify the kind of students, but it is the faculty that causes the problems. It is a two-way street.

Mr. Etheridge. The difference between the ordinary discipline problems and massive suspension is based primarily on race and denies the student the right to protest. I think the newspaper accounts which have come to our attention indicate a separation.

Mr. Lehman. What happens in adult education, where the kid is 15 or 16, expelled from the regular class, admitted to go back after 6 months into an adult education class. All of a sudden he is no longer a problem. Something happens which keeps that person from being a behavior problem. I think we are going to need funds to reeducate a teacher who has been teaching in a certain type of environment for many years, then all of a sudden has to deal with a completely different situation. Some can cope; some cannot. It is a real problem.

I will yield the balance of my time to Mr. Benitez.

Mr. Benitez. No questions. I yield all my time to the Chairlady.

Mrs. Chisholm. There is a correlation between the high proportion of pushout among minority youngsters and the proportion of minority teachers in many areas of this country. I am wondering if perhaps that is the root of the difficulty. Originally, the common school system was developed for a certain type of student or certain types of immigrants who came here. Those who becauuse teachers came from a certain background and received a certain education. Then years later all over this country, large minority populations began to move into the larger cities. We heard in testimony this morning about the large number of minorities who go to school in the large cities and it would seem to me, as I said earlier, that we have to begin to make changes in the teacher education programs in this country, so that the teacher who comes from one kind of background and has never had any relationships or experiences with persons from another background, does not come into the large city teaching situation not knowing what to expect, because she has not been trained.

Having been an educator myself in New York City, I find part of the difficulty is the fear and the lack of understanding and sensitivity on the part of many of those teachers to the new kinds of children found in inner city schools all over our country.

Mr. Etheridge. I would like to react to a part of your statement.

I think aside from the educational reasons why we need to have people to take care of the situations we have, there is the lack of somebody to emulate, the hopelessness when one realizes that even going to school, "I can't become a teacher."

At least in the southern districts at one time they saw they could become teachers and preachers. Then when teachers were removed, a lot of the incentive for studying was removed.

I would like to say with regard to teachers, nonminority, many of them are also sensitive and are intimidated by communities. Our record, especially in the southern region, show white teachers who have concern for black students are often dismissed themselves. We have the case of two teachers in Mississippi, you probably read about in the papers, who received $20,000 in back pay for having been fired. I can cite examples in other States, but I would say that many nonminority teachers are also sensitive, but perhaps someone like Dr. Jones, who has been a dean of education, might have a better idea of teacher education systems.

Dr. Jones. I would simply like to underscore the point which has been made several times for teacher education institutions to feed into the process those elements which would make individuals more appreciative of the culture and background of the students they may have to teach. Whether racial, cultural or economic—there is the whole difference. There is the problem as to the sensitivity of the teachers.

Mr. Lehman. Teacher training institutions—I think that is part of the problem.

Mrs. Chisholm. Miss Jones, do you have any reaction to some of the comments we have been making?

Ms. Jones. I have been thinking about another recommendation I would like to bring out at this point. I would like to see the Federal Government do something or make some type of commitment regarding young people and the problems they are having with the schools now.

I know in some instances, I have been the only person to go into some of the places I have gone into within the past 3 or 4 years. I was the first person they have seen to come in and help them with their problem. Young people often feel they have nobody to turn to and I think it is time to make a commitment to do something and see that something is done.

When you think of making laws, young people think of laws as infringing on them, keeping them from doing their thing, but never as being on their side.

Mrs. Chisholm. At this time I would like to introduce Congressman Young.

Mr. YOUNG. I am sorry I did not get here in time for the testimony but this is a subject I have been interested in since I was in third grade and got put out of school. The interesting thing is that the other guy who got put out at the same time never got back. The difference was my daddy had a good job and my mother was able to come see about me. His mother was a maid and never able to come.

I did not see him again until I was a lifeguard during my last year in college. He came in as a heroin addict and almost drowned.

He was concerned even then about writing a book about his life and even though I had been through all the schools and colleges I had been through, at that time writing a book had never dawned on me. So it was obvious he had more intelligence than I had. I guess that is my concern about this problem.

The other thing is this was a segregated school. I always had a grudge against that principal and I always thought the pushout phenomena is based as much on class and intelligence as it is on race.

I have spoken before groups at prisons and universities. I have found the level of discussions and interest in the prison was far greater than that which I found at the university. The intelligent black male is the one most apt to get put out. In every instance in Atlanta, the more aggressive and intelligent kids are the ones being put out of school. That is probably as much by black teachers as by whites.

The whole authoritarian structure comes down to poor people with creative intelligence are the ones I am concerned about and I am glad to see this committee concerning itself with this. I don't know what we can do about this legislatively but because you had the foresight and sensitivity to bring it to the attention of the Congress, I commend your subcommittee and all the people who have testified here.

Mr. LEHMAN. My experience on the school board was that most of the high school kids expelled were self-supporting and somehow or another employed on a job they could keep. I know one time we had expelled 15 kids on a cafeteria riot and each one of them brought his boss down. The boss said he was a good worker.

Any expulsion for streaking yet?

Ms. JONES. Yes.

Mr. BENITEZ. Of great importance in taking this testimony is the attempt to bring an awareness that school continue to be the most important dimension of the future. I believe we have gone through in the last 20 years a duplication in the meaning of schools. It has become fashionable to assume that there are many other institutions which are more significant and I think unless we reassess the decisive role in the building of a Nation on the building of individuals of schools and rediscover teachers, what it means to have this important task, we will be missing the basic essential point.

The role of schools has to change in our modern society in order for them to continue to be the leading force in the building of the present and the future. I think this question of the pushout is probably one of the most criminal aspects of behavior as a society.

With basic callousness you throw somebody out of school and stunt the potential for that individual's development.

Mrs. CHISHOLM. Thank you very much, and I am going to ask unanimous consent to insert the testimony of Congressman Lehman into the record.

[The document referred to follows.]

TESTIMONY OF HON. WILLIAM LEHMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I am pleased to have the opportunity to discuss the problems of minority and even non-minority students who are pushed out of the public school programs by suspension or expulsion.

The Dade County, Florida, Public Schools (where I served as Chairman of the School Board before coming to Congress) seem to have solved this entire problem.

In Dade County, there are now very successful alternative school programs for students who formerly would have been suspended or expelled from school.

If a student is suspended from his regular classroom for a period of less than ten days, he will remain in school at an Alternative Center. There are such centers in each of the sixty secondary schools in Dade County. The Center is more than just a detention room. The student works to keep up with his regular assignments, under the supervision of a teacher or teacher-aide.

If a student has been suspended from his regular classroom for more than ten days, or if he has been expelled, he is reassigned to a special school. Dade County has two special schools or Opportunity Centers for both the Junior and Senior High levels. At these Centers, students continue their education in a more flexible setting and with special supervision. There is a strong emphasis on meaningful vocational training. As one measure of the success of these Opportunity Centers, the attendance rate is 85%.

Up through this year, a suspended or expelled student could elect not to participate in the alternative school program. Beginning with the next school year, attendance will be mandatory.

This should really mean the end of the "pushout" probelm in Dade County. Suspension and expulsion, except for the most extreme cases such as a felony charge, will be replaced totally by a program of student reassignment. Virtually every child of student age in Dade County will remain in school and none will be pushed out.

I would like at this point in the record to thank Mr. Eldridge F. Williams, Director of the Office of Equal Education Opportunity for the Dade County Public Schools. Mr. Williams has helped make the alternative school program a success in Dade County and will be providing a copy of the Dade County Alternative School Plan for inclusion in the record of these hearings.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C.

BLACK STUDENTS, TEACHERS, PUSHED OUT OF PUBLIC EDUCATION, NEA SURVEY SHOWS

WASHINGTON, D.C.—Alarmed over reports of thousands of black teachers and students being harassed and hustled out of the public school system, officials of the National Education Association are holding a series of meetings with leaders of civil rights groups and government agencies to establish immediate and long-range plans to help the massive educational push-out.

"The Martin Luther Kings and other leaders of tomorrow are not being allowed to graduate," says Samuel B. Ethridge, NEA's assistant executive secretary for teacher rights. He and Donald R. Shire, special assistant for the Office of Teacher Rights, met this month in Atlanta, Ga., with Preston M. Royster, director of the U.S. Department of Health, Education, and Welfare's Displaced Teacher Program, and William C. Young, deputy, HEW's Division of Equal Educational Opportunities, for a two-day evaluation and planning meeting.

"In that meeting we were told that between the 1967–68 and 1970–71 school years more than 6,000 black educators had been displaced," Ethridge noted. During the current school year, of the more than 1,870 educators who were displaced, 909 were dismissed and the remainder were either demoted, assigned out of field, or unsatisfactorily placed, according to a report submitted at the Atlanta meeting by Associate Commissioner of EEO, Herman R. Goldberg. The report also noted that "many desegregating school districts have initiated the practice of hiring only token numbers of black educators, while the number of white educators being employed increases."

The Conference on Displaced Students and Educators heard even more shocking evidence of illegal student suspensions, racial intimidation, physical violence and even murder of students in an 11-state area in the South. A March report of thousands of such incidents led the NEA's Council on Human Relations to demand an immediate nationwide investigation. By April 17 fragmented data from 238 of the 2,278 school districts in 11 Southern states indicated that there had been 19,441 student walk-outs, boycotts or demonstrations; 11,146 students had been suspended or expelled; more than 2,000 arrested; and 22,750 students in Mississippi alone put out of school.

Much of this data was from a survey of 20 per cent of the newspaper published in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. This survey, conducted by Leon Hall, field director of the School Desegregation Project of the Southern Regional Council, indicated that during the 1970–71 school year hundreds of the nation's public schools resembled armed camps bristling with guns, knives and firebombs. In addition to some 4,350 suspended and expelled students, the Southern press reported nearly 100 fights ranging from "scuffles" to riots involving up to 700 students and resulting in dozens being hospitalized. At least a half-dozen children and adults lie dead. Eight bombs were exploded, 34 bomb threats reported, along with at least one cross-burning incident. Vandalism, assaults, robbery, gunfire, sniping, fires, and closed schools in response to tensions have made the learning of readin', writin', and 'rithmetic low priority in many of the South's public schools, Hall reported.

"Our report only scratched the surface of what's going on here," he told the NEA this month." The truth is that the violence this year has more than doubled according to press accounts, and thousands of our youth are in jail or roaming the streets because they are prohibited from attending class, and not able to find jobs because they cannot obtain their high school diplomas."

An overwhelming number of the "incidents" reported to NEA and gleaned from Hall's survey were the result of racial clashes in recently desegregated schools. In some cases black students and parents protested the closing of previously black schools which forced children into the hostile and sometimes dangerous environment of formerly white schools. Many of the incidents followed the firing or demotion of black teachers, coaches and school administrators, or the lack of representation on school boards, student government councils, sports and social events. Tension was so high in some areas that at least 36 schools were closed.

Nicholas von Hoffman, nationally known columnist for the Washington Post, noted on April 17 that "Your average pushout . . . is male . . . 17 years old, and has just started his senior year in high school. From all reports he tends to be a leader, or just the kind of kid who we keep saying can most benefit from school. For that reason the National Education Association has sent out a circular letter to college and university heads asking if there isn't some way they can get these poor but promising students in their institutions on some kind of an early matriculation program."

Quoting Don Sutton, director of the Educational Resource Center, von Hoffman describes the "atmosphere of terror" in the Southern school system and notes that "the whites are giving themselves the business at the same time . . . they're destroying their own schools. And all of this, mind you, in the public school system which was established to make nice, nonviolent, noncriminal, punctual middle class people out of dangerous lower class ruffians."

Some of the typical incidents reported by the Southern Regional Council are as follows:

ALABAMA

In Huntsville, Ala., the Jan. 28 Journal reported that police used mace, tear gas and police dogs against 150 blacks during a melee that broke out at a basketball game. Eleven were arrested, 3 police injured and 10 students suspended and threatened with arrest if they trespassed on school property. Riot police squads were called to the Murphy High School in Mobile in March, according to the Journal, where five students had been injured earlier following fighting which had erupted over the playing of "Dixie" and display of the Confederate flag. Racial fighting in Atmore elementary and high schools resulted in nine injured, and the closing of schools, and in Birmingham white students boycotted the school for two days alleging preferential treatment for blacks, and demanding that "Dixie" be included in the school's anthem, and the Confederate flag be used as the West End High School flag.

ARKANSAS

In Arkansas, some 1,200 black students at Eudora's junior and senior high schools walked out protesting the firing of a black teacher, and black parents kept their 500 children at home to protest the firing of a black basketball coach and social science teacher at Walker High School in Wabbaseka, Ark. Some 200 students were suspended for their participation in the boycott, and a few days later the superintendent expelled these students for the rest of the year, the Arkansas Gazette reported on Oct. 20, 1970. Racial fighting, the suspension of 212 students, boycotts and bomb threats broke out in Texarkana High School. The Federal District Court ordered the reinstatement of 101 black students, ruling they had been illegally dismissed. One day after the court's decision, arsonists attempted to burn down four black churches.

In Pulaski County, black parents boycotted the College Station Elementary School to protest elimination of the upper three grades of the school, and to protest the busing of black children but not white children. In Blytheville, 44 blacks were arrested for marching nearly a formerly all-black high school. When the school superintendent granted amnesty to the boycotters, a third of the white students boycotted, charging special treatment for the blacks.

FLORIDA

Assaults, extortions, suspensions and shootings plagued the Florida schools during 1970–1971. In Port St. Joe 500 black students stayed out of a newly integrated school because their parents feared a "strong Klan influence," according to the Miami Herald. A 17-year-old Coconut Grove black youth was shot fatally by police, touching off black-white skirmishes which left three students injured. Racial violence erupted at the Suncoast High's north campus when a black youth was arrested for refusing to leave a classroom. When 100 students left their classes to protest, police cleared the area with "billy clubs, tear gas foggers and cattle prods," the Miami Herald reported last February. A cross-burning incident at Fort Pierce Central High School sparked violence resulting in injuries, tear gassing and arrets of 32 black students and 2 whites.

The executive director of Dade County's legal service program charged that "school security guards consistently violate the legal rights of students and particularly discriminate against blacks." He added that the guards arrest only black participants in disturbances and do not inform the students of their legal rights. The April 18 issue of the Miami Herald stated that more than 1,000 black teachers have been demoted or dismissed in Florida in the past three years, and quoted an American Federation of Teachers representative who charged that it was "a system which finds it more important to hire security police to keep kids in their place than to hire more teachers to help them learn."

GEORGIA

Georgia's Gov. Lester Maddox, calling public school officials "two-faced cowards," urged parents to defy desegregation plans. Boycotts, bomb threats, arrests, stabbings, suspensions and racial fights have since spread throughout the state. In Dublin, Ga., according to "The Status of School Desegregation in the South—1970," the report of a survey done by six civil rights organizations, police used mace on children outside of the school building. Some 100 black students were suspended, though no white suspensions were reported, and some of the black students who attempted to return to school were arrested and jailed. Police patrolled the school's halls.

The May 11, 1971, Atlanta Journal reported that a 43-year-old white Calhoun, Ga., housewife, her husband and 24-year-old son beat up a 64-year-old black schoolteacher, charging that the teacher had spanked the parents' younger child for chewing gum. In Columbus, the Macon Telegraph reported that same month, white students walked out of Baker High School where classes were suspended indefinitely. The students were angered by an administration decision to add two black cheerleaders to the all-white eight-student squad. And in Butler, Ga., some 600 black pupils boycotted Taylor County schools after only white bus drivers were permitted to carry female white students.

LOUISIANA

Picketing, arrests, high rates of absenteeism, and racial brawls were reported throughout Louisiana. Police used tear gas to break up fighting among 600 students at an integrated high school in Bogalusa, and six blacks were arrested, according to the New York Times. Some 200 white pupils at Francis T. Nicholls High School in New Orleans boycotted classes in a counter-protest to black demands that the school, named after a Confederate general, change its name and discontinue playing "Dixie." Police patrolled the halls of Abramson High School following racial violence which broke out in April of last year.

MISSISSIPPI

The same pattern of suspension, arrests, bomb threats and boycotts was seen in Mississippi. At Moss Point, 34 students were arrested in a racial fight, and black students charged they were losing their identity at the integrated school, alleging unfairness in competition for school honors and cancellation of social events. At Provine High School in Jackson, a racial brawl resulted in one child being hospitalized, and other students receiving minor cuts and bruises. Police confiscated switch blade knives and pieces of pipe and steel rods. "Three blacks were arrested after they were pointed out by whites. No whites were charged," the Jackson Daily News reported. In Coffeeville, Miss., 1,100 black students boycotted schools to protest a desegregation plan which segregates by sex. Some 120 blacks were arrested and jailed.

A report, based on statistics supplied by the Mississippi Superintendents of Education and covering 80 per cent of the student population, shows that at least 22,675 children were reported out of school, with an adjusted figure of closer to 28,447. Of that latter figure, 16,814 are nonwhite, 3,721 did not state their race. The Mississippi State Department of Education, which provides the more conservative figure of 18,766 dropouts in the state during 1970–71, reports that 6,479 are missing for "reasons unknown," 3,176 "dislike school experience," 2,152 left for "other known reasons," but of the 19 reasons listed as causes for dropping out, not one refers to racial hostility or discrimination. The report does note that 34 of these children had "poor pupil-staff relations," and another 31 had "poor relations to fellow pupils."

NORTH CAROLINA

North Carolina news sources reported at least 64 schools torn by bomb threats, suspensions, fires, racial violence, and one death. Riot-trained highway patrolmen cruised through Wilmington, and a leader of the North Carolina-Virginia Commission for Racial Justice charged "the mayor and the city council with conspiracy in setting up the black community for annihilation." Black leaders accused police of murdering an unarmed youth. The Atlanta Inquirer reported that students had armed themselves following a bomb threat on a church in which they had met to discuss the racial tension in Wilmington, and after Klansmen had cruised through the area shooting at the church. In July, 1971, the Norfolk Virginian-Pilot reported that two Pinkerton guards hired to protect Willston Junior High School were shot to death but "police declined to speculate on a racial motive in the slayings."

The North Carolina Good Neighbor Council reported that almost half of the state's racial incidents during 1970 were in schools. At least 15 schools were closed between September and December due to racial incidents, school disruptions stemming from busines complaints, assaults, black resentment over the playing of "Dixie," and lack of representation on school governing boards.

SOUTH CAROLINA

In South Carolina the playing of "Dixie" and display of the Confederate flag on school grounds and at athletic events resulted in dozens of boycotts, demostrations, bomb threats and physical violence. The Greenville State reported that white parents smashed windows of newly integrated Berea High School following demands from black students for police protection and a ban on "Dixie." A black senior at Aiken High complained: "When two schools merge and whites keep their mascots and songs and the black man loses his, it's as if the black man is being marched over, stepped on again by the white man. That's what we're upset about." Black students were arrested and at least one hospitalized following a demonstration protesting the hiring of a white athletic coach rather than promoting a black assistant coach. Some 200 students, most of them black, were suspended, six teachers were injured, and the school superintendent suffered a broken rib during the disturbance.

TENNESSEE

A 20-year-old black youth was shot to death at all-black Hamilton High School in Memphis, Tenn., another state plagued with fires, bombings, student suspensions and vandalism. School officials arrested 85 students at Hamilton for carrying weapons. Gunfire erupted at a Nashville campus over an athletic event, and at another school in that city a 15-year-old hallway monitor was shot in the leg. Police and state troopers were called out at Riverside High School in Chattanooga following a rock-throwing incident, and in Selmer the FBI was asked to investigate racial disturbances and a boycott by 75 black students at Central High School.

TEXAS

In Texas, 200 black students walked out when election ballots were counted in the absence of black election committee members, and four black basketball players were suspended despite the principal's earlier pledge not to discipline those who walked out. Nearly two dozen students were later expelled, many of whom left their homes to live with relatives in other school districts in order to continue their education. At Furr Junior-Senior High School in Houston, the Jackson Daily News reported, 15 white dropouts entered the school and attacked a black student.

VIRGINIA

More than 4,900 suspensions were administered during the last school year in the Norfolk School District, according to a July 2 report in the Norfolk Virginian-Pilot. The figures would indicate that between 5 and 10 per cent of the school population had been "disciplined." The chief of Virginia's NAACP legal staff noted that black students throughout the state had been arbitrarily suspended on "trivial grounds," and Richmond's vice mayor reported that in the past year Virginia's black principals had been reduced from "about 100 to 10" as they were demoted to junior high positions following desegregation. The Richmond News-Leader reported that five Richmond parents were arrested by police for violation of the state's compulsory school law. Some 2,500 missing pupils in the school system were believed being kept out of school by their parents, the article noted.

The U.S. Government, acting through the EEO's Operational Program for Displaced Educators and Students, noted in January that their 1972–73 objectives included: discontinuance of the current practice of displacing minority educators when schools are in the process of desegregation; returning displaced teachers to their former positions or finding new positions in education for them; persuading desegregating school systems to reestablish the practice of recruiting and hiring minority educators on an equitable basis; and assessing the magnitude and determining solutions to the problem created by desegregating schools where they improperly place minority students in special education classes. The report stated that the Division of Educator and Student Rights would work closely with the NEA at national and regional levels to assure representation of minority educators at all levels, and to prevent displacement of these educators.

In the meantime, Ethridge has called on major college and university presidents to meet "the educational needs of . . . students—immediate and long-range. We call upon you and your institution to help save the future hope of America." Ethridge asked the higher education leaders for evidence of grants and aid or loan programs, and "college personnel and students willing to experiment in some kind of outreach program developed to assist displaced students in meeting requirements for high school graduation."

1971 SURVEY OF MINORITY EXPULSION IN 2,831 DISTRICTS

(Reprinted by NEA Teacher Rights based on Office of Civil Rights, HEW statistics)

The following question was asked on the district summary form for the first time in fall 1971: "During the previous school year, how many pupils [by race/ethnic group] were officially expelled from any school in this system?"

Nationally, less than half the districts surveyed in 1971 said they expelled any students during the 1970–71 school year: 1227 districts, districts, of the 2831 districts surveyed, reported expelling a total of 21–thousand students, or two out of every thousand students in school in those districts.

In those same districts as a whole, the expulsion rate for minority students was twice that of non-minority students, and for black students, three times that of non-minority students.

Omaha expelled the greatest number of minority students, 1091, and proportionately, their expulsion *rate* for minority students (8%) was four times greater than their rate for non-minority students (2%).

One hundred eighty-two districts expelled ten or more minority students. Together, these districts accounted for 78% of the 11–thousand minority students reported as expelled.

Thirty-two of the 182 districts had equal or near-equal expulsion rates for minority and non-minority students. The rest, except for three districts, had variously disproportionated expulsion rates favoring non-minority students.

The minority expulsion rate was: Double the non-minority rate in 31 districts; Triple the non-minority rate in 26 districts; Quadruple the non-minority rate in 16 districts; Five to ten times the non-minority rate in 45 districts; and, Greater than ten times the non-minority rate in 25 districts.

On the following four pages, 91 of the 182 districts are listed for special attention because they showed the most minority expulsion in terms of amount and/or severity. The 91 districts are divided into six sub-lists. The sub-lists are presented in what we consider to be their order of importance, considering both the *number* of minority students expelled and the *severity or disproportion* of expulsion for minority students versus non-minority students. Together, these 91 districts account for two-thirds of the 11–thousand total minority students reported as expelled.

Following the 91 districts are two concluding sections:

Three Districts Reporting Disproportionate Expulsion of Non-minority Students.

Expulsions in 20 Districts Containing the Largest Minority Enrollments.

NINETY-ONE DISTRICTS REPORTING MOST MINORITY EXPULSION

Fifteen districts expelled more than 100 minority students. In eight of those districts, the minority expulsion rate was double or more than double the non-minority expulsion rate. The eight districts were: (NOTE: The expulsion rates are the percent columns under A and B.)

	A		B		C	D
	Minority expelled		Nonminority expelled			
Parish	Number	Percent of C	Number	Percent of D	Minority total	Non-minority total
Vernon Parish, La	163	13.5	146	1.9	1,209	7,655
St. Martin Parish, La	644	16.1	245	4.5	4,002	5,440
Omaha, Nebr	1,091	8.0	1,040	2.1	13,579	50,352
Jefferson Parish, La	181	1.2	173	.3	14,743	50,671
Mobile, Ala	104	.3	18	.1	31,045	35,548
East Baton Rouge Parish, La	130	.5	100	.3	26,040	39,866
Charleston County, S.C	126	.5	60	.2	27,284	29,338
Memphis, Tenn	120	.2	36	.1	78,661	67,242

Fifteen other districts expelled from 50 to 99 minority students. In fourteen of those districts, the minority expulsion rate was double or more than double the non-minority expulsion rate. The fourteen districts were:

Parish	A Minority expelled Number	 Percent of C	B Nonminority expelled Number	 Percent of D	C Minority total	D Non-minority total
Bloom Township High, Ill	60	3.6	10	0.3	1,677	2,995
Lafayette Parish, La	80	1.1	30	.1	7,150	21,488
Texarkana, Tex	71	3.7	35	.7	1,920	4,818
Oklahoma City, Okla	70	.4	41	.1	19,570	49,571
Suwannee County, Fla	74	6.4	72	2.3	1,162	3,086
Saginaw, Mich	57	.6	24	.2	9,871	12,400
Corpus Christi, Tex	67	.3	18	.1	26,370	19,530
Flint, Mich	60	.3	18	.1	20,086	25,424
Poughkeepsie, N.Y	78	4.0	61	1.8	1,959	3,345
Niagara Falls, N.Y	92	2.8	241	1.7	3,316	13,842
Ogden, Utah	59	2.3	164	1.2	2,581	13,559
Galveston, Tex	70	.9	16	.4	7,944	4,569
Kansas City, Kans	70	.6	73	.3	12,540	21,684
Indianapolis, Ind	50	.1	25	.0	38,992	63,334

Forty-five districts expelled from 25 to 49 minority students. The minority expulsion rate was double or more than double the non-minority rate in thirty-seven of those districts. Twenty-seven districts had a minority expulsion rate that was *four or more times* greater than the non-minority rate. Here are those districts:

Parish	A Minority expelled No.	 Percent of C	B Nonminority expelled No.	 Percent of D	C Minority total	D Non-minority total
Wichita, Kans	45	0.4	7	0.0	11,007	48,861
Benton Harbor, Mich	35	.5	0	.0	6,554	4,407
Florence County No. 1, S.C	27	.5	2	.0	5,983	8,462
Forrest City, Ark	27	.8	1	.0	3,466	2,343
St. James Parish, La	32	.9	1	.0	3,384	2,017
Franklin Parish, La	33	1.1	4	.1	3,006	3,557
Pine Bluff, Ark	38	1.0	6	.1	3,857	4,727
Rochester, N.Y	42	.2	5	.0	18,076	26,076
Richland County No. 1, S.C	39	.2	4	.0	20,220	17,499
Charlotte-Meck, N.C	29	.1	4	.0	26,116	54,926
Denver, Colo	25	.1	5	.0	37,663	57,177
Dw. Eisenhower HSD, Ill	35	2.7	18	.3	1,290	5,951
New Hanover County, N.C	40	.7	10	.1	5,519	13,891
Chester County, S.C	28	.7	2	.1	4,185	3.969
W. Orange Cove, Tex	39	1.8	14	.3	2,133	5,023
Temple, Tex	30	1.2	9	.2	2,541	5,036
St. Mary Parish, La	33	.6	13	.1	5,885	10,140
Sumter County No. 17, S.C	32	.6	7	.1	5,482	5,372
Livingston Parish, La	32	2.2	37	.4	1,468	9,174
Proviso Township High, Ill	27	2.2	26	.4	1,202	7,284
York County No. 3, S.C	45	1.1	13	.2	4,158	8,483
Grand Rapids, Mich	47	.5	14	.1	9.226	25.030
Peoria, Ill	29	.5	11	.1	5,409	20,001
Toledo, Ohio	33	.2	19	.0	19.166	43,580
Hallettsville, Tex	28	12.5	23	2.9	224	785
Rapides Parish, La	38	.4	18	.1	9,972	18.425
Marion County, Fla	26	.4	13	.1	6,133	12,450

One hundred seven districts expelled from 10 to 24 minority students. The minority expulsion rate was double or more than double the non-minority rate in eighty-eight of those districts. Seventeen districts had a minority expulsion rate that was ***greater than ten times*** the non-minority rate. Here are those districts:

Parish	A		B		C	D
	Minority expelled		Nonminority expelled			
	No.	Percent of C	No.	Percent of D	Minority total	Non-minority total
Fayette County, Ky	15	0. 2	0	0. 0	6, 513	29, 599
Garden Grove, Calif	10	. 1	1	. 0	6, 959	45, 024
Ontario 8, Oreg	10	1. 7	1	. 0	598	2, 344
Barrow County, Ga	11	1. 2	1	. 0	901	3, 319
Acadia Parish, La	11	. 4	1	. 0	2, 899	9, 019
Rockford, Ill	15	. 3	2	. 0	5, 915	36, 218
Nacogdoches, Tex	14	. 8	0	. 0	1, 706	2, 934
Dublin City, Ga	18	1. 1	1	. 0	1, 652	2, 216
Pomona Unif., Calif	15	. 2	1	. 0	8, 871	13, 272
Shaker Heights, Ohio	14	. 7	2	. 0	2, 010	5, 320
York, Pa	12	. 5	2	. 0	2, 491	6, 539
Bowling Green, Ky	13	1. 6	5	. 1	834	4, 716
Normandy, Mo	11	. 3	0	. 0	3, 504	5, 516
Pulaski County Spec., Ark	15	. 3	4	. 0	5, 251	21, 696
Ozark City, Ala	12	1. 4	5	. 1	836	3, 725
Pender County, N.C	16	. 6	1	. 0	2, 566	2, 032
Fairfield City, Ala	16	1. 0	0	. 0	1, 677	1, 233

Forty-seven, of the 182 districts expelling ten or more minority students, expelled at least 1% of their total minority students. The preceding lists of districts include 26 of these districts. The remaining 21 districts are listed below in descending order of their percent of all minority students expelled:

Parish	A		B		C	D
	Minority expelled		Nonminority expelled			
	No.	Percent of C	No.	Percent of D	Minority total	Non-minority total
Sargent, Colo	158	100. 0	268	100. 0	158	268
enton County, Miss	118	9. 8	71	10. 8	1, 199	658
Essex County, Vocational, N.J	75	6. 2	58	6. 5	1, 219	887
Norphlet, Ark	11	6. 1	13	3. 1	180	423
Carthage, Ark	11	5. 6	1	1. 0	198	101
Chandler High No. 202, Ariz	22	4. 9	23	1. 8	452	1, 264
Citrus County, Fla	19	3. 3	100	2. 7	576	3, 691
Providence, R.I	149	2. 7	332	1. 8	5, 597	18, 554
St. Anne Community High, Ill	11	2. 5	0	. 0	438	211
N. Sacramento Elementary, Calif	35	2. 1	53	1. 4	1, 691	3, 733
Tooele County, Utah	18	1. 9	65	1. 1	944	5, 988
Romulus Community, Mich	19	1. 8	58	1. 1	1, 028	5, 271
Upson County, Ga	20	1. 8	24	1. 6	1, 135	1, 526
Barnwell County No. 45, S.C	16	1. 7	6	. 5	949	1, 187
Huntsville, Tex	23	1. 6	8	. 4	1, 479	2, 177
San Augustine, Tex	12	1. 6	8	1. 0	771	794
Camden County, Ga	18	1. 4	8	. 4	1, 305	1, 936
Ecorse, Mich	31	1. 3	21	1. 2	2, 357	1, 729
Iredell County, N.C	24	1. 2	19	. 2	1, 962	8, 415
Idabel, Okla	10	1. 2	y	. 6	837	1, 402
Putnam County, Ga	15	1. 1	3	. 4	1, 403	672

For the record: In addition to 25 previously-listed districts, the following four additional districts expelled more than 50 minority students:

Parish	A		B		C	D
	Minority expelled		Nonminority expelled			
	No.	Percent of C	No.	Percent of D	Minority total	Nonminority total
Baltimore, Md	956	0. 7	319	0. 5	129, 993	60, 742
Dayton, Ohio	190	. 8	248	. 8	23, 693	31, 348
Louisville, Ky	113	. 5	124	. 5	24, 654	25, 786
New Orleans, La	111	. 1	33	. 1	79, 110	28, 323

THREE DISTRICTS REPORTING DISPROPORTIONATE EXPULSION OF NON-MINORITY STUDENTS

Three districts, of the 182 districts expelling ten or more minority students, had disproportionate expulsion rates favoring *minority students.* Gary, Indiana reported expelling 12% of its 11-thousand non-minority students, but only 0.1% of its 34,622 minority students: 1,300 non-minority students were expelled and 39 minority students:

Long Beach, California and Petersburg, Virginia had an expulsion rate for non-minority students that was double the rate for minority students. Long Beach expelled too non-minority students (02%) and 17 minority students (0.1%). Petersburg expelled 8 non-minority students (0.4%) and 11 minority students (0.2%).

EXPULSIONS IN THE TOP TWENTY CITIES (DISTRICTS CONTAINING THE LARGEST MINORITY ENROLLMENTS)

Expulsions were generally non-existent or low in the Top Twenty cities where the greatest number of minority students are enrolled (equalling 34% of all minority students surveyed in 1971). Eleven of these districts reported no students expelled, minority or non-minority, and eight of the remaining nine districts had equal or near-equal expulsion rates for minority and non-minority students. (However, one district, Baltimore, reported expelling the second highest *number* of minority students in the country.) Memphis' minority expulsion rate was double the non-minority rate. Here are the Top Twenty districts, listed in order of their minority enrollment totals:

	A		B		C	D
	Minority expelled		Nonminority expelled			
Parish	No.	Percent of C	No.	Percent of D	Minority total	Nonminority total
New York City	0	0.0	0	0.0	727,297	424,418
Chicago	0	.0	0	.0	383,601	185,321
Los Angeles	36	.0	9	.0	324,634	309,504
Detroit	0	.0	0	.0	189,024	94,105
Philadelphia	0	.0	0	.0	176,856	96,602
District of Columbia	1	.0	0	.0	135,977	5,450
Baltimore	956	.7	319	.5	129,993	60,742
Houston	0	.0	0	.0	123,994	107,587
Miami	13	.0	4	.0	119,110	125,712
Cleveland	0	.0	0	.0	88,742	60,112
New Orleans	111	.1	33	.1	79,110	28,323
Memphis	120	.2	36	.1	78,661	67,242
St. Louis	0	.0	0	.0	73,601	34,385
Dallas	0	.0	0	.0	73,410	85,782
Atlanta	24	.0	1	.0	72,474	27,698
Newark	38	.1	8	.1	69,841	9,820
San Antonio	0	.0	0	.0	58,941	16,014
San Francisco	1	.0	0	.0	55,241	28,343
Oakland	0	0	0	.0	46,371	15,617
Milwaukee	0	.0	0	.0	42,497	89,318

EXPULSION AND SUSPENSIONS, 1972-73, BY RACIAL/ETHNIC GROUP CITIES WITH MORE THAN 25,000 BLACK PUPILS, DISTRICTS RESPONDING TO HEW-OCR AS OF MAY 17, 1974

City/school district (region)	Blacks	Percent	White	Percent	Total
Broward	30,019	22	10,255	76	135,003
Number suspended	2,065	50	2,025	49	4,120
Percent suspension rate	6.9		2.0		3.1
Dade County	64,573	26	112,077	46	244,395
Number suspended	3,634	53	2,237	33	6,812
Percent suspension rate	5.6		2.0		2.8
Mobile	29,887	46	35,222	54	65,184
Number suspended	1,253	64	704	36	1,957
Percent suspension rate	4.2		2.0		3.0
Dallas	62,763	41	72,688	47	153,549
Number suspension	6,324	63	3,423	34	10,549
Percent suspension rate	10.0		4.7		6.9
East Baton Rouge	25,904	39	40,527	61	67,011
Number suspended	4,144	60	2,761	40	6,919
Percent suspension rate	16.0		6.8		10.3
Duval County	36,843	60	74,480	67	111,458
Number suspended	6,641	52	6,177	48	12,819
Percent suspension rate	18.0		8.3		11.5
Indianapolis	37,963	41.4	53,292	58	91,714
Number suspended	4,642	60.3	3,042	40	7,697
Percent suspension rate	12.2		5.7		8.4
Pittsburgh	28,978	42.4	39,147	57	68,414
Number suspended	5,699	60	3,884	41	9,586
Percent suspension rate	19.7		9.9		14.0
Detroit	184,975	70.1	73,759	28	263,958
Number suspended	5,560	87	785	123	6,396
Percent suspension rate	3.0		1.1		2.4
Buffalo	25,013	42.5	32,527	54	60,752
Number suspended	1,236	57	893	41	2,179
Percent suspension rate	4.8		2.7		3.6
Prince Georges County	43,919	28	107,667	70	154,498
Number suspended	4,438	43	5,842	57	10,333
Percent suspension rate	10.1		5.4		6.7
Houston	89,329	4	87,776	41	216,982
Number suspended	5,179	57	2,637	29	9,151
Percent suspension rate	5.8		3.0		4.2
Boston	31,963	34.1	53,593	57.2	93,647
Number suspended	1,919	47	2,049	50.1	4,090
Percent suspension rate	5.8		3.8		4.4
Cleveland	79,027	57.4	54,783	40	137,572
Number suspended	8,058	69	3,401	29	11,634
Percent suspension rate	10.2		6.2		8.5
Richmond	30,015	73	10,799	26	40,960
Number suspended	2,606	84	495	16	3,103
Percent suspension rate	8.7		4.6		7.6
Cincinnati	35.539	49	37,025	51	72,958
Number suspended	1.882	57	1,395	43	3,277
Percent suspension rate	5.3		3.8		4.5
Charleston	26,790	49	27,666	51	54,635
Number suspended	2,329	55	1,927	45	4,272
Percent suspension rate	8.7		6.7		7.8
Washington D.C.	129,249	96	4,332	3.2	135,079
Number suspended	2,623	99	13	.5	2,639
Percent suspension rate	2.0		.3		2.0
Memphis	81,425	68	37,847	32	119,512
Number suspended	6,555	70	2,074	22	9,339
Percent suspension rate	8.0		5.8		7.8
Kansas City	34,677	56	25,155	41	62,096
Number suspended	1,726	55	1,319	42	3,141
Percent suspension rate	5.0		5.2		5.1
Atlanta	71,786	81	15,997	18	88,125
Number suspended	3,348	79	869	21	4,227
Percent suspension rate	18.8		5.4		4.8

EXPULSIONS AND SUSPENSIONS, 1972-73, BY RACIAL/ETHNIC GROUP—CITIES WITH MORE THAN 25,000 BLACK PUPILS, BY REGION

City/school district (region)	American Indian	Percent	Black	Percent	Asian American	Percent	Spanish surnamed	Percent	Others	Percent	Total
Boston, Maine (Northeast):											
Total (VIA)	85	0.1	31,963	34.1	1,954	2.1	6,052	6.5	53,593	57.2	93,647
Expelled (VIIA)											
Suspended (VIIB)	4	.1	1,919	47	12	.3	106	2.6	2,049	50.1	4,090
New York, N.Y. (Northeast):											
Total (VIA)	446	.04	404,289	36.6	21,928	2	298,261	27	380,708	34.4	1,105,632
Expelled (VIIA)											
Suspended (VIIB)											
Buffalo, N.Y. (Northeast):											
Total (VIA)	511	.84	25,813	42.5	71	.11	1,830	3	32,527	54	60,752
Expelled (VIIA)											
Suspended (VIIB)	7	.32	1,236	57			43	2	893	41	2,179
Pittsburgh, Pa. (Northeast):											
Total (VIA)	7	.01	28,978	42.4	165	.24	117	.2	39,147	57	68,414
Expelled (VIIA)			2								2
Suspended (VIIB)	0	0	5,699	60	2	.02	1	.01	3,884	41	9,586
Philadelphia, Pa. (Northeast):											
Total (VIA)	0	0	173,874	61.4	0	0	9,550	3.4	99,541	35.2	282,965
Expelled (VIIA)											
Suspended (VIIB)											
Newark, N.J. (Northeast):											
Total (VIA)	21	0	56,736	72.3	116	.1	11,981	15.3	9,638	12.3	78,492
Expelled (VIIA)											
Suspended (VIIB)											
San Francisco, Calif. (West):											
Total (VIA)	249	.3	25,055	30.6	19,088	23.3	11,511	14	26,067	31.8	81,970
Expelled (VIIA)											
Suspended (VIIB)											
Oakland, Calif. (West):											
Total (VIA)	622	1	39,121	60	3,986	6.1	5,412	8.3	16,048	24.6	65,189
Expelled (VIIA)											
Suspended (VIIB)											
Los Angeles, Calif. (West):											
Total (VIA)	1,347	.2	156,680	25.2	21,220	3.4	148,109	23.9	293,303	47.3	620,659
Expelled (VIIA)											
Suspended (VIIB)											
Compton, Calif. (West):											
Total (VIA)	60	.2	32,612	87.1	88	.2	3,878	10.4	823	2.2	37,461
Expelled (VIIA)											
Suspended (VIIB)											

Columbus, Ohio (Northeast):											
Total (VIA)	29	.02	31,201	31	259	.25	100	.1	70,747	69.2	102,236
Expelled (VIIA)	0	0	7	78	0	0	0	0	2	22	9
Suspended (VIIB)											
Cincinnati, Ohio (Northeast):											
Total (VIA)	48	.06	35,539	49	247	.33	99	.13	37,025	51	72,958
Expelled (VIIA)	0	0	20	62.5	0	0	0	0	12	.32	32
Suspended (VIIB)	0	0	1,882	57	0	0	0	0	1,395	43	3,277
Detroit, Mich. (Northeast):											
Total (VIA)	253		184,975	70.1	553	.2	4,418	2	73,759	28	263,958
Expelled (VIIA)											
Suspended (VIIB)	3	.04	5,560	87	2	.03	46	.71	785	12.3	6,396
Indianapolis, Ind. (Northeast):											
Total (VIA)	39	.04	37,963	41.4	172	.2	248	.3	53,292	58	91,714
Expelled (VIIA)	0	0	79	86	0	0	0	0	13	14	92
Suspended (VIIB)	0	0	4,642	60.3	1	.01	12	.2	3,042	40	7,697
Cleveland, Ohio (Northeast):											
Total (VIA)	349	0.3	79,027	57.4	307	.22	3,106	2.3	54,783	40	137,572
Expelled (VIIA)											
Suspended (VIIB)	19	.2	8,058	69	5	.04	151	1.3	3,401	29	11,634
Chicago, Ill. (Northeast):											
Total (VIA)	1,028	.2	312,188	52	5,152	1	63,084	12	157,913	29	539,365
Expelled (VIIA)											
Suspended (VIIB)											
Gary, Ind. (Northeast):											
Total (VIA)	29	.06	31,303	72	59	.13	3,281	8	8,680	20	43,312
Expelled (VIIA)	0	0	48	84	0	0	5	9	4	7	57
Suspended (VIIB)											
St. Louis, Mo. (Border):											
Total (VIA)	54	.1	72,629	68.8	99	.1	203	.2	32,632	30.9	105,617
Expelled (VIIA)											
Suspended (VIIB)											
Kansas City, Mo. (Border):											
Total (VIA)	215	.34	34,677	56	118	.2	1,931	3.1	25,155	41	62,096
Expelled (VIIA)											
Suspended (VIIB)	13	.41	1,726	55	3	.1	80	2.5	1,319	42	3,141
Louisville, Ky. (Border):											
Total (VIA)	17	0	25,078	51	15	0	12	0	24,011	48.9	49,133
Expelled (VIIA)											
Suspended (VIIB)											
Prince Georges County, Md. (Border):											
Total (VIA)	189	.12	43,919	28	1,598	1	1,125	1	107,667	70	154,498
Expelled (VIIA)	0	0	0	0	0	0	0	0	0	0	0
Suspended (VIIB)	2	.01	4,438	43	13	.12	38	.4	5,842	57	10,333

EXPULSIONS AND SUSPENSIONS, 1972-73, BY RACIAL/ETHNIC GROUP—CITIES WITH MORE THAN 25,000 BLACK PUPILS, BY REGION—Continued

City/school district (region)	American Indian	Percent	Black	Percent	Asian American	Percent	Spanish surnamed	Percent	Others	Percent	Total
Baltimore, Md (Border):											
Total (VIA)	0	0	129,250	69.3	0	0	0	0	57,350	30.7	186,600
Expelled (VIIA)											
Suspended (VIIB)											
Washington, D.C. (Border):											
Total (VIA)	20	.01	129,249	96	641	.04	837	.61	4,332	3.2	135,079
Expelled (VIIA)	0	0	0	0	0	0	0	0	0	0	0
Suspended (VIIB)	0	0	2,623	99	0	0	3	.11	13	.5	2,639
New Orleans, La. (Southeast):											
Total (VIA)	37	0	77,504	74.6	141	.1	1,622	1.6	24,535	23.6	103,833
Expelled (VIIA)											
Suspended (VIIB)											
Memphis, Tenn. (Southeast):											
Total (VIA)	19	.01	81,425	68	175	.14	45	.03	37,847	32	119,512
Expelled (VIIA)											
Suspended (VIIB)	1	.01	6,555	70	1	.01	2	.02	2,074	22	9,339
Dallas, Tex. (Southeast):											
Total (VIA)	516	.33	62,763	41	382	.24	17,200	11	72,688	47	153,549
Expelled (VIIA)	0	0	37	88	0	0	2	4.8	3	7.1	42
Suspended (VIIB)	13	.12	6,324	63	2	.01	1,085	11	3,423	34	10,048
Broward County, Fla. (Southeast):											
Total (VIA)	150	.11	30,019	22	227	.2	2,452	2	102,155	76	135,003
Expelled (VIIA)	0	0	0	0	0	0	0	0	0	0	0
Suspended (VIIB)	6	.14	2,065	50	0	0	24	.6	2,025	49	4,120
Dade County, Fla. (Southeast):											
Total (VIA)	189	.1	64,573	26	698	.3	66,858	27	112,077	46	244,395
Expelled (VIIA)	0	0	115	85	0	0	6	4.4	14	10	135
Suspended (VIIB)	1	.01	3,634	53	1	.01	939	14	2,237	33	6,812
Birmingham, Ala. (Southeast):											
Total (VIA)	7	0	34,290	59.4	31	.1	29	.1	23,372	40.5	57,729
Expelled (VIIA)											
Suspended (VIIB)											
Mobile, Ala. (Southeast):											
Total (VIA)	12	.01	29,887	46	18	.02	45	.06	35,222	54	65,184
Expelled (VIIA)	0	0	3	100	0	0	0	0	0	0	3
Suspended (VIIB)	0	0	1,253	64	0	0	0	0	704	36	1,957

Charleston, S.C. (Southeast):											
Total (VIA)	58	.1	26,790	49	162	.3	159	.3	27,666	51	54,635
Expelled (VIIA)	0	0	53	52	0	0	3	3	46	45	102
Suspended (VIIB)	3	.1	2,329	55	2	.04	11	.3	1,927	45	4,272
Houston, Tex. (Southeast):											
Total (VIA)	207	.1	89,329	41	832	.4	38,838	18	87,776	41	216,982
Expelled (VIIA)	0	0	0	0	0	0	0	0	0	0	0
Suspended (VIIB)	0	0	5,179	57	11	.12	1,324	15	2,637	29	9,151
Atlanta, GA. (Southeast):											
Total (VIA)	10	.01	71,786	81	105	.11	227	.3	15,997	18	88,125
Expelled (VIIA)	0	0	1	100	0	0	0	0	0	0	1
Suspended (VIIB)	0	0	3,348	79	0	0	10	.23	869	21	4,227
Mecklenburg County, N.C. (Southeast):											
Total (VIA)	151	.2	25,821	32.4	46	.1	166	.2	53,629	67.2	79,813
Expelled (VIIA)											
Suspended (VIIB)											
Richmond, Va. (Southeast):											
Total (VIA)	31	.1	30,015	73	77	.2	38	.1	10,799	26	40,960
Expelled (VIIA)	0	0	17	100	0	0	0	0	0	0	17
Suspended (VIIB)	2	.1	2,606	84	0	0	0	0	495	16	3,103
Caddo Parish, La. (Southeast):											
Total (VIA)	9	.01	25,776	52	33	.1	137	.3	24,099	48	50,054
Expelled (VIIA)											
Suspended (VIIB)											
Jacksonville, Duval County, Fla. (Southeast):											
Total (VIA)	34	.03	36,843	33	60	.1	41	.03	74,480	67	111,458
Expelled (VIIA)	0	0	20	69	0	0	0	0	9	31	29
Suspended (VIIB)	0	0	6,641	52	1	0	0	0	6,177	48	12,819
East Baton Rouge, La. (Southeast):											
Total (VIA)	173	.3	25,904	39	97	.14	310	.5	40,527	61	67,011
Expelled (VIIA)	0	0	277	65	0	0	0	0	148	35	425
Suspended (VIIB)	1	.01	4,144	60	1	.01	12	.2	2,761	40	6,919

Mrs. CHISHOLM. I want to thank everyone for attending these hearings and everybody who testified. We have gotten further insight and depth into this situation.

[Information received for inclusion in the record:]

LANIER COUNTY BOARD OF EDUCATION,
Lakeland, Ga., May 28, 1974.

Representative AUGUSTUS F. HAWKINS,
Chairman, House Sub-Committee on Equal Opportunity Education and Labor, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE HAWKINS: On Thursday, May 23, 1974, in *The Atlanta Constitution*, the Lanier County School System was cited as being guilty of "pushing out" black students in the face of school desegregation efforts. The article (page 2–A) entitled "5 Georgia Counties Seen 'Pushing Out' Black Pupils" stated that in Lanier County Schools (black enrollment of 38 percent) 76 percent of those expelled and 82 percent of those suspended were black. After reviewing the article we immediately began to make efforts to have the erroneous news report retracted. School desegregation efforts in Lanier County have been very successful and the schools are not guilty of "pushing out" black pupils.

On October , 1973, the Lanier County School System filed its Fall 1973 Elementary and Secondary School Civil Rights Survey with the U.S. Department of Health, Education, and Welfare Office for Civil Rights. In compiling the individual school campus information for Form OS/CR 101 School System Summary Report, an error was made. The incorrect report stated that there had been a total of 17 pupils expelled and 32 pupils suspended. The error was discovered on February 4, 1974, and corrections were made in the Office of Civil Rights. The correct information is as follows:

Number of pupils expelled during the previous school year:	
American Indian	0
Black	0
Spanish surnamed individuals	0
Other individuals	0
Total	0

Number of pupils suspended at least once during the previous school year:	
American Indian	0
Black	12
Spanish surnamed individuals	1
Other individuals	4
Total	17

The preceding information shows that *no* pupils were expelled. Of the pupils suspended the percentages were as follows: 6% Spanish Surnamed American, 70% Black, and 24% Other. Although there were 12 incidents where black pupils were suspended, actually only 8 pupils were expelled. Some pupils were expelled more than one time. This would reduce the percentage of black pupils expelled to 47. Of the 12 expulsions made, 6 were made by a black principal.

We wanted you to be aware that the report concerning Lanier County was erroneous. Evidently, the information was obtained from Lanier County's School System Summary Report before corrections were made. The reporter from *The Atlanta Constitution* has assured us that a retraction would be made.

Sincerely,

RICHARD B. YOUNG,
Superintendent.

The meeting stands adjourned.

[Whereupon at 12:25 p.m., the subcommittee adjourned, subject to call of the Chair.]

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